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Thursday, August 30, 1973/Bhadra 8, Thursday, August 30, 1973/Bhadra 5, 1895 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

India's Plea to France and China to sign Nuclear Test Treaty

*501. SHRI P. M. MEHTA:
SHRI V. MAYAVAN:

+

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether India has made a plea to France and China to sign the Nuclear Test Treaty;

(b) if so, the reaction of these countries to the Indian plea; and

(c) how many countries have not so far signed the Treaty?

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): (a) and (b). No specific plea has been made to France and the People's Republic of China to sign the Partial Test Ban Treaty. However, consistent with the position adopted by the Government of India, the representatives of India have in appropriate international forums reiterated India's support to the Partial Test Ban Treaty, have emphasised that the provisions of that Treaty should be fully observed, and have stressed that those nuclear-weapon States which have not yet acceded to that Treaty should do so without any further delay.

(c) According to information available with the Government of India, the countries which have not so far signed the Partial Test Ban Treaty are: Barbados, Congo, Cuba, Equatorial Guinea, France, Guinea, Guyana, Holy see, Khmer Republic, Lesotho, Maladive Islands, the People's Republic of China, Qatar, Saudi Arabia, the United Arab Emirates and the People's Democratic Republic of Yemen.

SHRI P. M. MEHTA Is it a fact that the question of nuclear Tests by China and France was discussed in the recent Commonwealth Conference and was an appeal made by the participants to negotiate a new agreement for a total ban on nuclear tests? Was any decision taken in the Conference and what was the stand of India on a total ban on nuclear tests in all environments?

SHRI SWARAN SINGH: In the communique issued from Ottawa, a general plea was made that all countries which have not yet signed the Test Ban Treaty should do so. There was no discussion for any new negotiations to bring about a total ban on all tests. Therefore, any question arising from that presumption does not arise.

SHRI P M MEHTA: In view of the recent nuclear tests conducted by China and France, may I know whether India is considering to take up this question in the forthcoming non-aligned conference and, if not, the reasons therefor?

SHRI SWARAN SINGH: China and France have not signed the test ban treaty and any forum which can be used to build opinion to induce them to sign the treaty is the United Nations. No useful purpose will be served by raising this in the non-aligned conference in Algiers.

SHRI JAGANNATH RAO: May I know if the Government of India has any information if the two super powers, Russia and the United States, who had had discussions on SALT, had given any friendly advice to these two countries, France and China, to stop these nuclear tests?

SHRI SWARAN SINGH: One thing is, this does not relate to SALT. The views of the United States of America and the USSR are well known, because they are the original signatories to the Moscow test ban treaty. Notwithstanding their desire that the other nuclear powers should also sign the test ban treaty, China and France, for their own reasons, have not thought it fit to sign the treaty. So, a friendly advice in such matters does not cut any ice.

SHRI P. G. MAVALANKAR: The Minister in his reply to the original question said that India's plea has been made at appropriate international agencies. May I know what are these agencies and may I further know whether the Government of India have stressed this point at the Geneva Conference on disarmament of the 18 nations?

SHRI SWARAN SINGH: The agencies in this respect are the United Nations debates in the General Assembly and the rest. The Geneva Disarmament Conference is not exclusively concerned with the test ban treaty. There are other matters which are there, and we should not forget that China is not there. So, discussion with those who have already signed does not mean much.

SHRI P. G. MAVALANKAR: What about France?

SHRI SWARAN SINGH: France has said clearly that it has not signed the test ban treaty.

श्री शशि भूषण : मैं मंत्री महोदय से यह जानना चाहता हूं कि चीन के आणविक परीक्षणों का भारत और एशिया के अन्य देशों पर क्या प्रभाव पड़ा है ? क्या आस्ट्रेलिया और जापान ने भी फ्रांस और चीन के आणविक परीक्षणों का विरोध किया है ? इस सम्बन्ध में हम क्या करने जा रहे हैं ?

SHRI SWARAN SINGH: If I may say so, this question as to what is the effect on us, of China going nuclear, is a wider question which has been discussed here in the context of our overall security. I have nothing to add; this is a subject which has been mentioned from time to time. China is not conducting its tests in the Pacific. Australia and New Zealand are opposing France because France is conducting the tests in the Pacific. Therefore, China does not come directly within the objective that Australia and New Zealand are pursuing in the context of their own location in the Pacific.

SHRI SHASHI BHUSHAN: Japan?

SHRI SWARAN SINGH: Japan in this respect has, if I may say so, a different attitude altogether. They know that countries next door to them are nuclear: Soviet Union and China are both nuclear. And, therefore the Japanese Government have what is called their defence pact which protects Japan from any nuclear threat.

श्री शशि भूषण . मैं ने पूछा है कि क्या इस से एशिया के देशों की सुरक्षा को ख़तरा है या नहीं ।

अध्यक्ष महोदय : हर देश की सुरक्षा को ही ख़तरा है ।

SHRI SAMAR GUHA: Is it a fact that so far as experiments are concerned regarding development of nuclear weapons, there is no distinction between under ground or above-ground test? If so, may I know whether China and France by undertaking nuclear test are trying to do a service to the extent that they are breaking the monopoly of the two super powers, USSR and USA, to blackmail the whole of the world in a nuclear threat. If so, whether the Government would keep our

options open for peaceful nuclear blast as well as for development of nuclear weapons, as recently stated by the Minister of Defence; whether it is in the interest of India not to say anything against the tests undertaken by France or China?

SHRI SWARAN SINGH: With regard to part (a) it is a view which I have noted; I may not agree with it. With regard to part (b), we have signed the test ban treaty. Our position is quite clear that we do want these countries who have not yet done so should also sign a nuclear test ban treaty. We are also of the view that this should be extended now even to underground tests because the technology for detection is so perfect that any other country can detect it and therefore it should be extended to cover underground tests also.

SHRI SAMAR GUHA: The most important part of my question related to this. . .

MR SPEAKER: Whatever be the most important part, you have put the question and he has answered.

SHRI SAMAR GUHA You are committed on the floor of the House regarding nuclear blast for peaceful purposes and to keep the option open for development, in future, of nuclear weapons. You are committed to the House. I wanted to know whether our opposition to the nuclear test by France and China is opposed to our commitment on the floor of the House.

SHRI SWARAN SINGH: I am not aware of any such commitment. I should like to study if there is any such commitment.

SHRI SAMAR GUHA: You committed several times.....

MR. SPEAKER: I am not allowing it You are exploiting the position when you are given the chance. You asked one question; you again pushed it further. Why don't you sit down now? I always commit a mistake when I call Mr. Samar Guha. The Minister says that he will look into it. I am not allowing you. Let not the time of the House be wasted like this.

Compensation to Families of Workers killed due to Gas Leakage in Naval Dockyard, Bombay

*502. SHRI B. S. BHAURA: Will the Minister of DEFENCE be pleased to state:

(a) whether two workers were killed and several injured as a result of gas leakage recently in the Naval Dockyard, Bombay, and

(b) if so, the compensation paid to the families of the victims?

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA): (a) Yes, Sir.

(b). The local authorities have been directed to arrange payment of compensation to the families of the deceased as early as possible.

श्री **मान सिंह भौरा** मैं मंत्री महोदय से जानना चाहता हू कि क्या इस मे कोई एन्क्वायरी की गई और अगर एन्क्वायरी की गई तो किस की जिम्मेदारी इस एन्क्वायरी मे मालूम हुई ?

श्री **विद्या चरण शुक्ल** अध्यक्ष महोदय, एन्क्वायरी तो अभी चल रही है । कोर्ट आफ एन्क्वायरी का आर्डर किया गया है । वह चल रहा है और जब एन्क्वायरी पूरी हो जायेगी तभी पता लगेगा कि यह जिम्मेदारी किस की है ?

श्री **मान सिंह भौरा** यह एन्क्वायरी कब तक पूरी हो जायेगी और क्या गवर्नमेंट ने कम्पेन्सेशन कुछ तय किया है कि कितना किस को देना है ?

श्री **विद्या चरण शुक्ल** : एन्क्वायरी कब तक पूरी होगी यह कहना तो मुश्किल है । लेकिन मैं समझता हू कि जल्दी ही एन्क्वायरी पूरी हो जायेगी क्यो कि कोई जटिल समस्याए

उस के सामने नहीं हैं । जो दो व्यक्ति इस में मारे गए हैं उन को कम्पेन्सेशन वर्कमैन कम्पेन्सेशन ऐक्ट के अंतर्गत दिया जाएगा । एक उन में इंजीनियर ड्राइवर है उन को 8 हजार रुपये वर्कमैन कम्पेन्सेशन ऐक्ट के अंतर्गत दिया जाएगा और दूसरे जो अनस्किल्ड लेबरर थे उन को लगभग 7 हजार रुपया दिया जायगा । उस के सिवाय भी कुछ वालन्ट्री काट्रीब्यूशन इकट्ठा कर के उन को और कुछ कम्पेन्सेशन देने का विचार है ।

श्री हुकम चन्द कछवाय : माननीय मंत्री जी ने जो बताया कि एक व्यक्ति को मुआवजा 9 हजार रुपया और दूसरे को लगभग 7 हजार दिया जायगा, मैं जानना चाहता हूं कि यह मआवजा जो उस का कानून बना है उस के मानहत दिया जाता है, लेकिन आज की जो परिस्थिति है, उस में एक व्यक्ति का जीवन मूल्य बहुत अधिक है, तो क्या आप इस को बढ़ाने का विचार रखते है ? यह जो दिया जाता है यह उन का वेतन, उन की योग्यता या उन के पीछे परिवार कितना आश्रित था उस को तौल कर दिया जाता है या कैसे दिया जाता है? इस घटना में जो दो व्यक्ति मरे है उस के अलावा घायल कितने और हुए हैं और यह कोई पहली घटना इस प्रकार की नहीं हुई है, भविजय में ऐसी घटनाएं न हों इस के लिए क्या उपाय आप करने जा रहे हैं और जो घायल हुए हैं उन को क्या मुआवजा दिया गया है ?

श्री विद्या चरण शुक्ल : इस में लगभग 9 व्यक्ति घायल हुए थे जिस में कि दो की मृत्यु हुई और जो यह मुआ जा दिया जाता है यह वर्कमेन कम्पेन्सेशन ऐक्ट के अनुसार दिया जाता है । जो श्रम मंत्रालय है उस के अंतर्गत इस काम को किया जाता है और जो मेरी सूचना है, मुझे जैसा बताया गया है उस के अनुसार इस वर्कमेन कम्पेन्सेशन एक्ट में सुधार होने वाला है जिस में जिस आधार पर मुआवजा दिया जाता है उस आधार को बदलने का प्रश्न उन के सामने है । और यह जो मुआवजा दिया जाता है यह कोई जीवन का मूल्य नहीं है । जीवन का तो कोई मूल्य दिया ही नहीं जा सकता । एक व्यक्ति की जान चली जाय तो उस का मूल्याकन कर के कुछ उस को दिया जाए ऐसा नहीं होता । पर जो उस के पीछे बच जाते है दुनिया में उन की तकलीफें कुछ अंशों में दूर की जा सके इसलिए सहायता के रूप में दिया जाता है । इस आधार पर उस का मूल्याकन नहीं किया जाता जो माननीय सदस्य ने कहा ।

Scheme for Training of Service Officers in Small Scale Industry

*503 SHRI R. V. SWAMINATHAN:
SHRI M S. SIVASWAMY:

Will the Minister of DEFENCE be pleased to state.

(a) whether the Directorate-General of Resettlement, Ministry of Defence has prepared a scheme for the training of Service Officers in small scale industry through specially tailored industrial courses in co-operation with the Small Industry Service Institute; and

(b) if so, the main features of the proposed scheme?

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B. PATNAIK): (a) Yes, Sir.

(b) It is aimed to impart training to service officers who are on the eve of retirement and to retired officers on preliminary steps required to start small scale industries, procurement of raw materials, management of finances, marketing, industrial and labour laws, book keeping and sales tax etc. This course on Industrial Entrepreneurship is to be conducted at five Centres during 1973-74. Each Centre will

have a capacity for training 30 officers. The duration of the course is of two weeks and training will be restricted to volunteers.

SHRI R. V. SWAMINATHAN: May I know what are the categories of people who will be receiving training under this scheme, what is its duration and whether it will be a continuous process every year?

SHRI J. B. PATNAIK: All categories of officers will be eligible for training The duration is two weeks. It is a continuous scheme.

SHRI R. V. SWAMINATHAN: May I know whether this scheme can be extended to other categories of officers and to the lower ranks also? May I know also whether Madras will be one of the Centres?

SHRI J B. PATNAIK: The centres for the current year do not include Madras, but last year Madras was included in this scheme and about 30 officers received training there. This is open to all officers For jawans and JCOs also there are another schemes for training.

SHRI MOHANRAJ KALINGARAYAR: May I know the procedure for selection of these officers for training? Are they selected on merit?

SHRI J B PATNAIK: They are selected by the Director-General of Resettlement and Employment, who keeps a record of the officers who want to undergo such training. They are selected and trained on a voluntary basis.

SHRI BIRENDER SINGH RAO: May I know the number of persons now undergoing training under this scheme? Secondly, apart from giving training, may I know whether any decision has been taken to give special facilities to these trained personnel for rehabilitation in the small-scale industries and, if so, whether any State Government have given any assurance to the Defence Ministry in this regard?

SHRI J. B. PATNAIK: As I said earlier, this is a continuous scheme. In the current year 190 officers have undergone training. 579 officers have undergone training in the last two years. As regards facilities by the State Governments, it is for them to decide what facilities they should give. So far as the Government of India is concerned, it is giving facilities to the trained personnel to fit them into civilian life.

SHRI BIRENDER SINGH RAO: The small-scale industries come under the State Governments. So, I want to know whether they have tide up any of those schemes with the State Governments.

MR SPEAKER: Is there any scheme for their further absorption in the small-scale industries at any level, either State or Central?

SHRI J. B PATNAIK: This is done in consultation with the Small Industries Service Institute. We have written to the State Governments to give facilities to the servicemen and ex-servicemen.

Steel demanded by Dadra and Nagar Haveli

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*504 SHRI RAMUBHAI PATEL
SHRI ARVIND M. PATEL:

Will the Minister of STEEL AND MINES be pleased to state:

(a) the total quantity of steel demanded by the Union Territory of Dadra and Nagar Haveli, during the years 1971-72 and 1972-73;

(b) the total quantity supplied; and

(c) the reasons for the short supply, if any?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUKHDEV PRASAD): (a) to (c). Information is being collected and will be laid on the Table of the House.

भारत के फिल्मी कलाकारों को लन्दन के हवाई अड्डे पर "वर्क सर्टिफिकेट" न होने के कारण हिरासत में रखना

*506. **श्री लालजी भाई :** क्या विदेश मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत के 15 फिल्मी कलाकारों, जो हाल ही में अपने कार्यक्रम का प्रदर्शन करने के लिए लन्दन चले गए थे, को "वर्क सर्टिफिकेट" न होने के कारण हवाई अड्डे पर 26 घंटे तक हिरासत मे रखा गया था और ब्रिटिश अधिकारियों ने उनसे 20,000 रुपये लेकर उन्हें रिहा कर दिया तथा उन्हें 11 अगस्त, 1973 तक रहने की अनुमति दे दी थी; और

(ख) यदि हां, तो इस मामले के तथ्य क्या है और इस बारे में सरकार की क्या प्रतिक्रिया है ?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) and (b). A party of 15 Indian film artistes arrived in London on August 2, 1973 to give cultural performances on payment basis. They were detained at the airport as they did not have Work Permits required under the provisions of British Law. While the male members of the party were kept in the Detention Centre at the Airport women members were accommodated at a hotel near the Airport. Meanwhile, the British authorities considered the matter and, after being assured that the artistes would be paid adequately by the organizers, allowed them entry the next day. Government have no information that the artistes were made to pay Rs. 20,000 to the British authorities.

Government expect Indian nationals who visit foreign countries to be aware of entry regulations in force in those countries and to comply with them.

श्री लालजी भाई : अभी मंत्री महोदय ने बताया कि उन के पास सर्टिफिकेट नहीं था, क्या उन के पास सर्टिफिकेट का न होना भारत सरकार की जिम्मेदारी नहीं थी? 26 घन्टे तक उन को हिरासत में रखा गया, 20 हजार रुपया उन से प्राप्त किया गया--इस तरह से जो भारत का अपमान हुआ है, इस के सम्बन्ध में आप ने क्या कार्यवाही की है तथा क्या कदम उठाये गये हैं ? वहां पर जो भारत के राजदूत थे उन्होंने इस स्थिति में क्या किया ?

श्री सुरेन्द्रपाल सिंह : अध्यक्ष महोदय, यह गवर्नमेन्ट की जिम्मेदारी तो नही है कि सब जानेवालों से यह कहा जाए कि उन्हें वहां जाने से पहले क्या करना है । यह जाने वालों का अपना फर्ज है कि वे मालूमात करें कि उन्हें किस किस्म के डाक्यूमेन्ट्स या परमिट लेकर जाना चाहिये। आप को मालूम है कि यू० के० मे एन्ट्री आसान नही है । वहा पर काम के सिलसिले में जो लोग जाना चाहते हैं, उन्हें वर्क-परमिट लेकर जाना चाहिए । यह मालूमात उन को होनी चाहिये थी और वर्क-परमिट लेकर जाना चाहिये था ।

जहा तक मुश्किलात का सवाल है--लन्दन एअरपोर्ट पर हमारे हाई-कमीशन ने उन की काफ़ी मदद की और वहा की गवर्नमेन्ट तक इस मामले को पहुंचाया गया। कुछ मालूमात करने के बाद यू० के० गवर्नमेंट ने उन को इजाजत दे दी । जहां तक 20 हजार रुपया देने का सवाल है--यह हमारे इल्म मे नहीं है कि उन्हें 20 हजार रुपया देना पड़ा ।

श्री लालजी भाई : मैं मंत्री महोदय से साफ़ जानना चाहता हूं--उन को 26 घन्टे तक हिरासत में रखा गया, 20 हजार रुपया उन से वसूल किया गया--क्या यह भारत का अपमान नहीं है ? भारत सरकार इस के लिये कौन से कदम उठाने जा रही है ?

श्री **सुरेन्द्रपाल सिंह** : इस में अपमान का क्या सवाल है । उन को वहां कुछ देर रोका गया, मालूमात करने के लिये, क्योंकि वे वहां बगैर वर्क-परमिट पहुंच गये थे, उन को वह परमिट यहां ले जाना चाहिए था ।

श्री **अटल बिहारी वाजपेयी** : इस में वर्क-परमिट का सवाल कहां है, वे तो परफॉर्मेन्स के लिये वहां गये थे ।

श्री **सुरेन्द्रपाल सिंह** : वहां कायदा है कि जो शख्स वहां जाएं चाहे परफॉर्मेन्स देने के लिये या काम करने के लिये, अगर पेमन्ट बेसिज़ पर जाता है तो उसे वर्क-परमिट लेना पड़ता है । उन्होंने वहां खुद बयान दिया कि वे पेमेन्ट बेसिज़ पर परफॉर्मेन्स देने के लिये आये हैं । जब पेमेन्ट बेसिज़ पर वहां गये हैं तो उन के लिये वर्क-परमिट लेना जरूरी हो जाता है । यह वहां का कायदा है, कानून है ।

SHRI INDRAJIT GUPTA: The reply is not very clear.

As far as I know, whenever any Indian citizen goes abroad from this country, he has to observe a large number of formalities at this end. He has to state the purpose of his visit abroad; he has to state who is going to bear his expenses; he has to state the duration of his stay abroad, etc., etc., All of us have been through this process. We know it. Therefore, I would like to know from the hon. Minister that since anybody going abroad has to give all this information before he goes abroad without which it is not possible for him to get passport, the Reserve Bank of India's clearance, the External Affairs Ministry's clearance, the P' Form and so on, how is it that these people were given clearance without being told that they were lacking in a very important and vital document without which they will not be allowed to enter the United Kingdom? How can our Government escape its responsibility altogether? I don't understand.

SHRI SURENDRA PAL SINGH: A person who applies for a passport in this country does not have to give all the reasons as to why he is going there. He just puts in an ordinary application form. These persons who are Indian nationals had valid passports to go to U.K. Ordinarily, they should have at least seen to it that they got Work Permits from the U.K. High Commission here. They thought that since they were going to U.K. to give a cultural performance, they were not required to take Work Permits. There was a misunderstanding. According to the British law, they should have approached the British High Commission here for Work Permits before proceeding to U.K. For obtaining Indian passports, they do not have to tell the reasons why they are going abroad. That is not necessary. They generally go as tourists.

SHRI INDRAJIT GUPTA: There is a special column, I think, where you have always to say the purpose of your visit.

MR. SPEAKER: There is a column where the purpose of the visit is always mentioned.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): May I clarify? There are two stages: one, the issue of passport; and, second, compliance with the regulations of the country where the individual wants to go. At the time of issue of Passport, we are now more relaxed in the sense that, according to the law as has now been approved by Parliament, it is almost the right of every citizen of India to get Passport which we freely issue now. Then he gets hold of that Passport and goes, for example, to the United States Embassy for visa, or if he himself resides, say, in West Germany, he can go without visa: he can travel without visa. If we try to block issuing of Passport and insist on his getting the permit and all that, then there will be a great deal of resentment. In fact, to help the people, we have now eased very much the process of issuance of Passport. After he gets the Passport he has to comply with whatever are the regulations of the

country he wants to visit and he has to get all that is required. To be quite candid, even if we tell them, still there are people who say, "All righ; we shall take the risk", We cannot come in these situations at all.

श्री एस० ए० शमीम : एक सवाल मेरी जहन में तड़प रहा है।

श्री अटल बिहारी वाजपेयी : अगर वह तड़प रहे हैं तो मैं बैठ जाता हूं।

श्री एस०ए० शमीम: मैं पूछना चाहता हूं कि आम शहरियों को मुल्क से बाहर जाने के लिए एक नहीं एक हजार दुश्वारियों का सामना करना पड़ता है और खास तौर पर फारेन एक्सचेंज के सिलसिले में कई महीनों से गुजरना पड़ता है फिर क्या वजह है कि बम्बई में रहने वाले फिल्म स्टार्स मामूली से काम के लिए महीनों में एक बार नहीं दो बार, तीन बार, ज्यादातर हनीमून मनाने के लिए, एक नहीं दो दो हनीमून मनाने के लिए बाहर चले जाते हैं और करोड़ों रूपए का फारेन एक्सचेंज गायब करते हैं तो उनके सिलसिले में यह सहूलियत क्यों है ?

अध्यक्ष महोदय : बात हनीमून तक आ गई।

It was a very simple and general question.

SHRI SWARAN SINGH: I know, the Film stars have taken note of his desire that they should go to Kashmir and not to Europe.

SHRI S. A SHAMIM: I am asking why they are allowed to go outside the country.

SHRI SWARAN SINGH: As the House is no doubt aware, if a person goes for the first time in three years or after three years, then most of the other restrictions do not apply. If any film star has gone more than once, I am sure he must have taken the permission of the Reserve Bank. I would request the hon. Member to reserve his *'thadap'* for the Finance Minister.

Price of non-ferrous Metals in World Market soaring high

*507. SHRI Y. ESWARA REDDY: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether non-ferrous metals are in short supply in the World Market and their prices are soaring high

(b) if so, to what extent this will affect India's imports of non-ferrous metals in the next few years; and

(c) whether any steps are being taken to step up production of these metals in the country?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUKHDEV PRASAD): (a) Yes, Sir.

(b) In view of the constraint of foreign exchange resources, it is possible that in terms of quantity, the import of non-ferrous metals may not match the requirements of the industry. The extent of shortfall in import cannot be indicated precisely as it is difficult to forecast how prices will behave during the next few years.

(c) A statement is laid on the Table of the House.

Statement

(c) The Geological Survey of India has taken up an intensive programme of detailed exploration in the country, which has brought to light some important prospects of zinc, lead, copper nickel ores etc. in Andhra Pradesh, Bihar, Orissa and Rajasthan and small

reserves of these ores in other States. A number of anomoly points have been located as a result of aerial; geophysical surveys in Andhra Pradesh, Rajasthan and Bihar.

Brief details of the projects for augmenting the indigenous production of these ores/metals are given below:—

I—*Aluminium*

The current domestic demand for aluminium is estimated at 230,000 tonnes against the installed capacity of 195,170 tonnes in the private sector The present production of aluminium, including the scrap, is likely to meet the domestic demand except to marginal extent. The demand for aluminium by the end of Fifth Plan is estimated at 390,000 tonnes. With a view to meeting the demand on long term basis, additional capacity to the extent of 235,000 tonnes (150,000 tonnes in the public sector) has been licensed for implementation during the Fourth/Fifth Plan period

II—*Zinc*

There are at present two Zinc Smelter in the country with a licensed capacity of 38,000 tonnes per annum-one at Debari (near Udaipur) in the public sector, based on indigenous ore and the other at Alwaye (Kerala) in the private sector, based on imported concentrates. Expansion of the Debari Zinc Smelter from 18,000 tonnes to 45,000 tonnes per annum and establishment of new 30,000 tonnes per annum Smelter at Visag, based on imported Zinc Concentrates are under implementation and these are expected to be commissioned by 1975-76 A letter of intent has been issued for expansion of the Alwaye Zinc Smelter from 20,000 tonnes to 40,000 tonnes per annum which is expected to materialise by 1977-78. In addition, it is proposed to set up a 50,000 tonnes per annum Zinc Smelter in the Public Sector based on the Rajpura-Dariba (Rajasthan) ore deposits. The feasibility of expanding this smelter to a capacity of 100,000 tonnes per annum is being explored.

III—*Lead*

There is only one lead smelter in the country at Tundoo (Bihar) in the public sector. This smelter is being modernised to realise a production of 6,000 tonnes per annum. Additional lead smelting capacity of 35,000 tonnes per annum is planned during the Fifth Plan (including a 10,000 tonnes per annum plant forming part of the Vizag Zinc Smelter, and 25,000 tonnes per annum based on the Rajpur-Dariba and other ore deposits). The feasibility of expanding the deposits to a capacity of 40,000|50,000 tonnes is being explored. About 1|3rd of the requirement of lead is expected to be met by scrap arisings.

IV—*Copper*

(1) The Khetri Project of Hindustan Copper Limited will ultimately have a rated capacity for the production of 31,000 tonnes of copper metal. The smelter is likely to be commissioned early in 1974. In 1974|75 the Copper production from Khetri is expected to be about 10,000 tonnes.

(2) During 1973-74 the concentrates produced at Khetri will be transported to Indian Copper Corporation Complex Ghatsila and the metal production including that from the imported concentrates is likely to be 20,000 tonnes in this year. Dariba, Chandmari, and Rakha Phase-I copper projects are at various stages of implementation. New schemes to be taken up during the Fifth Plan period include Rakha phase II and Malanjkhand.

V—*Nickel*

A Feasibility report has been prepared for the Sukinda Nickel deposit (Orissa) which envisages production of 4800 tonnes of nickel powder, 200 tonnes cobalt powder and 17,000 tonnes of ammonium sulphate as by-product per annum. Steps are being taken to undertake pilot scale test before a detailed Project Report for the commercial exploitation of the deposit is drawn up.

SHRI Y. ESWARA REDDY: It is a sad commentary on our planning in minerals that our dependence on imports

of non-ferrous metals is increasing rather than declining. I would like to know as to what the present rates are in the international market for non-ferrous metals and the amount of foreign exchange we are presently spending annually on imports and the likely more exchange we have to spend to meet our requirements.

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI). With the industrial development, it is inevitable that the country's dependence on non-ferrous metals will go on increasing. It is really unfortunate that we have had to import. Because sufficient attention has not been given to the development of the internal resources in the past few years we have had to import considerable amount of these non-ferrous metals. In fact from 1960 to 1972 the imports of copper have been of the order of Rs. 475 crores, of lead—Rs. 75 crores, zinc—Rs. 182 crores and nickel—Rs. 68 crores, all aggregating to nearly Rs. 800 crores.

With further demands of the country going up it would be more necessary to see that more attention is given to the development of internal resources as quickly as possible If the present trend continues, the imports also would continue in the same trend, maybe more. But I would not like to put down these figures exactly because as long as we are at the importing end and as I find that most of these metals are today the monopoly of a few countries, it is possible for them to organize against us even in the international market. Therefore, I would not like to give the exact figures of our possible imports But I would only say that it is necessary to save all these which are indicated by the past figures.

SHRI Y. ESWARA REDDY: In the statement it is said that the smelter in the copper project at Khetri is likely to be commissioned in 1974. But in view of our past experience of this project belying all our expectations, I would like to know whether the Minister would give us an assurance that he is sure of commissioning it in 1974. If there are any difficulties, what are the measures he is going to take to overcome them?

Secondly, I am surprised to know that no mention is made about the Agnikundla project's working. What is its position? Has the Government dropped it?

SHRI T. A. PAI: Before I proceed further, the hon Member had asked earlier the present prices of copper in the international market. It is LME £ 798 per metric tonne, Zinc—£ 379. 50, lead—£ 174 and tin—£ 1985.

Regarding the question he has asked about the Khetri project, ordinarily I would expect that it might go into production in 1974 Whether it would reach the capacity that we have intended—I am not very sure But it is absolutely necessary from our point of view that we will take all efforts necessary to build it up.

Regarding Agnikundla copper deposits in Andhra Pradesh, the work on an exploratory mining scheme is in progress at Bandalamathu for preparing a detailed project report for commercial exploitation of the deposits and an exploratory mining scheme is also in progress in Nallaconda deposits for the preparation of a detailed project report

SHRI NAWAL KISHORE SINHA: The statement laid on the Table of the House raises several questions I would like to compress them into one.

In view of the statement, may I know from the hon Minister what efforts are being made for exploitation of bauxite near Lohardaga in the district of Ranchi for Aluminium and what steps he proposes to take for the augmentation of the capacity of the lead smelter in Tundi.

Similarly, we would also be interested in knowing as to what steps are being taken for mining of copper in Bihar so that copper may not have to be transported from Rajasthan to the Indian Copper Corporation at Ghatsila in Bihar and also to augment the capacity and start a smelter for zinc somewhere in Bihar. This is all written in the state-

ment. These minerals are available in Bihar but they are not being exploited at all.

SHRI T. A. PAI: I am aware that deposits are located in many parts of our country including Bihar. We could not take up all the projects all at the same time and wherever it is possible for mining operations to be conducted, we certainly concentrate on that. If it is possible for us to set up smelters to begin with we do it. We shall have to be patiently waiting in respect of these things. We have also got to import certain things from other parts of the world until our mining operations become successful.

SHRI B. V. NAIK: Is he aware that in the site of Kali H. E. project more than aove 2,000 KW of power can be produced and in that vicinity there is abundance of bauxite available for the production of aluminium? A proposal was submitted on behalf of the district of N. Kanara for establishment of aluminium factory as late as six months ago to the Ministry of Industrial Development. Will the Minister of Steel and Mines call for it and licence it in the non-monopoly sector near the Kali H. E. project?

SHRI T. A. PAI: I am aware around Kali H. E. project in that area including Ratnagiri bauxite is available, but I am not aware of anybody having applied for licence.

SHRI B. V. NAIK: I have.

SHRI T. A. PAI: I quite appreciate the point and the anxiety of people that wherever these minerals are available the facilities for both mining and development should be provided for and I agree also that Kali provides power in plenty but the problem is for the State to come forward and offer it at cheaper rate because aluminium requires power at very concessional rate. So far as public sector is concerned we have been committed to take up the Ratnagiri project. I am afraid it is not possible for me to say that Kali project will be taken up immediately.

श्री मधु लिमये : ताबे के अभाव और दामों को देखते हुए खेत्री प्राजेक्ट का बडा महत्व है । क्या मंत्री महोदय को पता है कि बदइन्तजामी के कारण एक विश्व-विख्यात वैज्ञानिक को उस प्राजेक्ट से निकाल दिया गया है; अगर हां, तो उस के बारे में वह क्या कर रहे है?

अध्यक्ष महोदय : किसी को निकालने की बात इस में कैसे उठती है ?

श्री मधु लिमये . अध्यक्ष महोदय, यह प्रश्न के भाग (सी) के अन्तर्गत आती है, जिस में पैदावार को, प्राडक्शन को बढ़ाने के बारे में पूछा गया है । यदि अच्छे वैज्ञानिको को निकाल दिया जायेगा, तो क्या उत्पादन में बाधा नहीं आयेगी ?

SHRI T. A. PAI: I am very little acquainted with what happened in the past but now my immediate concern is to see what can be done from now on and our biggest problem is to see that the existing facilities are made the best use of.

Survey of Himachal Pradesh for Minerals

*509. PROF. NARAIN CHAND PARASHAR: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the Geological Survey of India has conducted any survey of Himachal Pradesh for finding out the deposits of various minerals; and

(b) if so, the results of the surveys?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUKHDEV PRASAD): (a) Yes, Sir.

(b) Deposits of barytes in Sirmur district; gypsum in Sirmur, Lahaul and Spiti and Kinnaur districts; limestone and dolo-

mite in Kangra, Mandi, Kulu, Simla and Sirmur districts; slate in Chamba, Kangra and Mandi districts and rock phosphate in Ochaghat area in Simla district, have been located.

PROF. NARAIN CHAND PARASHAR: From the statement it appears that H.P. is very much rich in all these minerals. Has the Ministry of Steel and Mines suggested to the Ministry of Industrial Development for exploration of these mines and minerals?

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): Sir, We have been continuously carrying on geological surveys in different parts of the country and in 1972-73, we had surveyed 1300 sq. kilometres of one of the districts. And this year, we propose to carry out a more extensive survey covering 3,600 kilometres of Kulu, Khangra and Mandi Districts. But, the development of all these minerals depends upon the infra-structure also being built up for developing them. As a result of surveys being done and an analysis of limestones being available in Satna, it has been decided to sanction a cement factory for that area. And further work on the rock-phosphate is in progress. A decision on the commercial exploitation of these deposits will be taken after a clear picture of the quantum and quality of research is available. That also applies to potash. A detailed investigation is in progress.

PROF. NARAIN CHAND PARASHAR: It is heartening to note that they have sanctioned a project in Satna in the district Kangra. In Bilaspur region of Himachal Pradesh very fine quality of rockstone and lime-stone is available in a large quantity according to the survey conducted by the Geological Survey of India. What has the Government done with regard to this?

MR. SPEAKER: This is for information.

SHRI T. A. PAI: I am not aware of that particular area which the hon. Member has mentioned. As far as I know, the proposal that had been under consideration is for the area mentioned by me and it has been sanctioned.

SHRI VIRBHADRA SINGH: Sometime back there was a report in the papers that large deposits of uranium have been found in some areas in Himachal Pradesh. I would like to know if this report is true. If it is true, what steps are the Government going to take to exploit it?

SHRI T. A. PAI: I do not have information about it. I shall look up and inform the Member.

MR SPEAKER: Question No. 510A.

SHRI INDRAJIT GUPTA: Q. No. 510 has not yet come.

MR. SPEAKER: I think there is some mistake. You are quite right.

SHRI INDRAJIT GUPTA: You take Q No 510 and then you may take up Q. No. 510A.

MR. SPEAKER: Your objection is quite right I shall call Shri Shrikishan Modi. Q. No. 510.

5th Five Year Plan Investment for Development of Coal Mines

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*510. SHRI SHRIKISHAN MODI:
SHRI C. JANARDHANAN:

Will the Minister of STEEL AND MINES be pleased to state:

(a) the total amount of investment proposed to be made in the Fifth Five Year Plan for the development, modernization and expansion of coking and non-coking coal mines; and

(b) the production of non-coking coal in 1972-73 and the expected production for the current year.

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) The Fifth Five Year Plan for coal industry has not yet been finalised. However,

draft proposals under consideration envisage a total investment of Rs. 1017.13 crores in the public sector during the Fifth Five Year Plan period.

(b). According to the latest estimates available, the production of non-coking coal was 59.84 million tonnes in 1972-73 and is expected to be 63 million tonnes in 1973-74.

श्री श्रीकिशन मोदी : मैं जानना चाहता हूं कि जब 1973–74 में कोयले का उत्पादन 630 लाख टन हो जायेगा, तो क्या देश की कोयले की रेक्यारमेंट्स पूरी हो जायेंगी और अगर कमी रहेगी, तो कितनी ? इस समय जो स्माल स्केल इंडस्ट्रीज कोयले के बिना बन्द हो रही हैं उन को आप कितने परसेन्ट रिलीफ दे सकेंगे और इस के साथ साथ जो प्राइस आप की 125–130 रुपये पडनी चाहिए वह स्माल स्केल इंडस्ट्रीज को 300 रुपये टन पड़ रही है, इस का क्या कारण है ? कब तक आप अपनी असली कीमत पर उन को ला देंगे ?

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): I am aware of the high prices prevailing for coal and also the dissatisfaction as a result of non-availability in many areas. We have now sorted out the problem with the railways for the last two days, to ensure the availability of coal not only for big industries and small-scale industries but also for the common people who had been ignored in the past, by stepping up the soft coke production from 2.5 million tonnes to 4 million tonnes during this year.

In the past, there was the problem of transport, the soft coke being given a low priority. But, now, the railways have agreed to give it the same priority as any other type of coal, and with this I hope that there would not be any excuses for keeping down the production of soft coke which is included in the total production of coal also. I assure the House that maximum efforts will be made to supply as much coal from the existing facilities as possible, and simultaneously steps will be taken to increase production. At the same time, without the transport facilities also continuously improving, and distribution facilities being built up, I think that there will be some dislocation, but I can assure the House that immediate and expeditious steps are continuously being taken for this purpose.

श्री श्रीकिशन मोदी : अध्यक्ष महोदय, रेल मंत्री जी यह कहते हैं कि वैगन तो हमारे पास है लेकिन खानों पर कोयला नहीं है । जुलाई तक के पत्रों के आधार पर आप की स्कीम 830 करोड रुपये की थी जिस के द्वारा आप की योजना सभी खानो का माडार्नाइजेशन करने की थी । अब 1017 करोड़ रुपये के बारे में आप ने सूचना दी हैं । यह 187 करोड़ रुपये की आप की और क्या योजना है और उस योजना के पूरे होने पर देश की जरूरत के बाद हम कितना कोयला एक्सपोर्ट कर पाएंगे ?

SHRI T. A. PAI: It is true that when sometimes the wagons were available, they were available in coalfields where there might not have been a rake-load of coal which they could move. It is no use finding fault with each other, either with the transport or with the coal. Now, we take the joint responsibility of producing and transporting and finding out no excuses for non-availability of coal.

So far as the export prospects of coal are concerned, I am afraid we should wait for sufficient production before we even think of it, because the first priority is to meet the needs of coking coal for our steel plants which will not be able to produce steel continuously unless coking coal is made available. In the past, even coking coal was being used by industries, which we have now prevented; even hard coke also is being diverted for steel production. I can assure the hon. Member that the needs of the country will be met first.

MR. SPEAKER: The hon. Minister should not make a speech but should give only brief answers.

श्री श्रीकिशन सोडानी : मेरे प्रश्न का उत्तर नहीं मिला । 187 करोड़ रुपये की क्या योजना है, इसके बारे में उन्होंने कुछ नहीं बताया ।

SHRI T. A. PAI: For the NCDC mines, it is Rs. 299.29 crores. For other mines, it is Rs. 125 crores. For SCC it is Rs. 56.79 crores. For the LTC Plants, in the case of Singareni, it is Rs. 8 crores, in the case of West Bengal, it is Rs. 14 crores and in the case of M.P. it is Rs. 14 crores. In the case of the Explosives Plant, it is Rs. 6.05 crores. In the case of prospecting and drilling, it is Rs. 75 crores. For sand gathering, it is Rs. 30 crores; for advance action for the 6th Plan, it is Rs. 150 crores. For captive power station at Raniganj, it is Rs. 20 crores. For the BCCL development, it is Rs. 219 crores. The total for all coal projects would be costing Rs. 1017 crores as proposed.

DR. RANEN SEN: Is it a fact that in the last few months there has been less production of coking coal in the Bengal and Bihar coal fields as a result of which even the Bokaro Steel Plant is not getting enough of this coal and is not operating both the batteries? If so, what are the reasons for this fall in production of coking coal?

SHRI T. A. PAI: There has been a fall in production of coking coal over the last three or four months mainly on account of power failure from the DVC which affected even the washeries and we have not been able to supply sufficient coking coal even to Durgapur and also to Bokaro and many other plants. But things have started improving.

SHRI DAMODAR PANDEY: We are told that this amount will be spent on modernising the coal mines and opening new mines. Does this mean that a lot of big machinery will be imported from abroad and the present labour-intensive mines will be converted to capital-intensive mines and thus the employment potential in those coal mines in connection with increased production will be reduced?

SHRI T. A. PAI: For the development of coking coal mines, we have called Polish experts. We are capable of manufacturing most of the machinery within the country itself in the public sector. I do not know if it is going to be so capital-intensive as is supposed; I am unable to give that information. But it would be necessary for us to step up our reduction at least to twice what we are doing now within the shortest possible time because the development of power, steel and other projects would depend upon a continuous supply of coal, and with crude being net available, most of our fertiliser plants also will have to be coal-based. Under the circumstances, I am afraid that wherever necessary we may have to go for intensive development of those mines So far as the employment potential is concerned, I have been assured that we may have to take another 1 1/2 lakh workers by the end of the Fifth Plan when this development goes through.

Legislation for Protection of Agricultural Workers

*510-A. SHRI MUKHTIAR SINGH MALIK: Will the Minister of LABOUR AND REHABILITATION be pleased to state whether there is any proposal to enact a comprehensive legislation for the protection of agricultural workers in the country?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI RAGHUNATHA REDDY): It may be stated that the Minimum Wages Act, 1948 applies to all agricultural labour; the provisions of the Workmen's Compensation Act, 1923 apply to certain categories of agricultural labour as provided for in the Act. Labour in plantations is also covered by the Plantations Labour Act, the Industrial Disputes Act, the Employees' Provident Funds and the Family Pension Fund Act, 1952 and the payment of Bonus Act.

2. The Government have recently decided to constitute a Standing Committee on Agricultural Labour to review,

among other things, the existing legislative and other provisions for the protection, productive employment and welfare of agricultural labour and to appraise critically the extent of implementation of these provisions with a view to taking remedial steps.

SHRI MUKHTIAR SINGH MALIK: The answer of the hon. Minister takes us nowhere. Whereas the question relates to the enactment of statutory legislation in regard to the protection of agricultural labour, the Minister speaks of the constitution of a Standing Committee which does not serve any useful purpose. In view of the fact that the various provisions cited by him are all out-dated and agricultural labour is faced with so many problems in modern times, may I know whether the Government feels the necessity for a statutory provision, a comprehensive legislative measure, which will govern the welfare and protection of agricultural labour and all other labourers working in other allied fields, covering all the categories of the whole agricultural labour in the country?

SHRI RAGHUNATHA REDDY: Keeping in mind some of the specific considerations which the hon. Member has mentioned, this expert committee which is proposed to be constituted is for the purpose not only of going into the legislation and other aspects of the organisational problems but also of seeing in what manner the legislation will be able to introduce some element of organisation in the unorganised sector. That is the purpose. That is why I gave an account of the existing legislation and in what manner the expert committee is likely to deal with these matters after a proper study and, if necessary, in order to come forward with a comprehensive legislation on the matter.

AN HON. MEMBER: Review.

SHRI RAGHUNATHA REDDY: Study includes review also.

MR. SPEAKER: The Question Hour is over.

SHORT NOTICE QUESTIONS

Crisis in Aralam State Farm, Kerala..

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5. SHRI C. K. CHANDRAPPAN:
SHRI VAYALAR RAVI:

Will the Minister of AGRICULTURE be pleased to state:

(a) whether Government are aware that the Aralam State Farm in Kerala is faced with a serious crisis as a result of workers' strike and the refusal of the Farm authorities to negotiate with the workers' representatives;

(b) whether Government have received a memorandum from M.Ps. of Kerala against the mismanagement by the farm authorities;

(c) whether the State Government have also represented this matter to the Centre; and

(d) if so, the action Government propose to take in this matter?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHEB P. SINDE): (a). Yes, Sir. However, the Farm management has not refused to negotiate with the workers. The demands of workers are in fact being discussed by the Farm authorities and the workers with the State Labour Commissioner. Of the four main demands, the workers had been persuaded not to press three demands and only one demand has to be discussed. This was to be discussed on 28th August, 1973.

(b) and (c). Yes, Sir.

(d) The Government of India have considered the matter and have constituted a Team consisting of Central and State Government officers, under the Chairmanship of the Agricultural Commissioner in the Ministry of Agriculture, to examine the working of the farm, with particular reference to the development of the farm, the financial management and administrative matters including Recruitment Selections, disciplinary procedures, etc.

SHRI C. K. CHANDRAPPAN: Sir, the Minister has tried to minimise the seriousness of the situation by depicting it as a mere labour dispute. But we were

asking about the serious situation that has arisen in the Aralam State farm because of certain very serious matters involved in it.

When the Central Government decided to set up a state farm with Soviet co-operation, the people were very happy because they thought that it would help in solving their food problem and all that. But what happened now is that this farm is running all the year round at a terrible loss Moreover, I will not make a long speech.

MR. SPEAKER: He says he will not make a long speech, as if speech is allowed. Speech is not allowed; only questions.

SHRI C. K. CHANDRAPPAN: Several thousands of acres of land newly reclaimed have been kept idle. The Soviet machinery which has been gifted to this farm has been kept under the sun and rain and is getting rusted and is not being utilised

Some of the machinery had already been taken out of the State. The relation between the workers and the management is so bad that for more than a month the strike in that farm is continuing The director of the farm refused to negotiate the matter with the labour commissioner and the labourers.

MR. SPEAKER: In view of all this, what is your question?

SHRI C. K. CHANDRAPPAN: A spectacular thing had been done by the director. The State Government, the political parties, the trade unions and the entire people of the State are against the farm administration. In view of all this, will the Government immediately order the transfer of the director if it has not been ordered so far? Will the Government investigate into the conduct of the director and the serious situation created there for which he is responsible? Secondly, will the Government look into the affairs of the Aralam farm and the State Farm Corporation and consider the proposal to appoint as chairman a person other than an M.P. The Chairman who is also an M.P. today thinks he is bigger than the Minister and he is running the farm as a mini-empire..... (*Interruptions*) He is Mr. M. R. Krishna, who was formerly a Deputy Minister.

MR. SPEAKER: You are making a very long speech; a short notice question is not meant for that purpose.

SHRI C. K. CHANDRAPPAN: Will the Government order the withdrawal of the action taken against the workers and employees and will the Government allow normal trade union activities and the right of employees to organise themselves? Lastly, will an advisory committee be set up for all the State Farms with powers to advise how the farms should be run?

SHRI ANNASAHEB P. SHINDE: It is true that we are ourselves worried because of reports that the relationship between the State farm and the State Government seem to be strained. The Chief Minister, the Home Minister, the Agriculture Minister and the Labour Minister have all informed us and all the political parties including many hon. Members personally saw me. That is why we have appointed a central team to go into the problems of the farm. We shall examine all the aspects mentioned by the hon. Member and see how things can be improved. About the transfer of the director, he is being transferred from that farm and therefore the main grievance of the hon Member is no longer there.

SHRI C. K. CHANDRAPPAN I want to get a specific assurance from the hon. Minister that they would look into the working of the State Farms Corporation apart from looking into the Aralam State Farm. Would he also agree to set up an advisory board for the State farms in the country so that bureaucratic running and the arrogant way in which the directors are behaving can be checked?

SHRI ANNASAHEB P. SHINDE: It is the responsibility of the Government of India and of my Ministry to look into the problems of the State Farm Corporation or any corporation under the Ministry and we would not like to shirk our responsibility in these things. The hon.

Member's suggestion about advisory committees is a useful suggestion. There are already advisory committees but unfortunately they are not functioning effectively. We are thinking of how to strengthen them and making them more effective. The suggestion will be kept in mind.

SHRI VAYALAR RAVI: I fully share the views expressed by Shri Chandrappan. The State farm expenditure for five years is Rs. 4.79 crores. But they have spent during the last three years only Rs. 70.69 lakhs. Letters have been written by the Kerala Agriculture Minister to the Chairman as well as the Minister here strongly demanding an enquiry and the removal of the Director after the first year. Another very important development is that the Director has filed a writ against the Kerala Government. I would like to know whether the farm development will be affected in the coming year because the budget has not been passed by the State Farm Corporation and whether the Government has given any permission to the Director to file a writ against the Kerala Government and if not, what action you propose to take against him?

SHRI ANNASAHEB P. SHINDE: As far as the development of the farms is concerned, the Government of India with the cooperation of the State Farming Corporation will take all the necessary steps to see that the development is not hampered. The necessary financial sanction will be made available. Whatever may be the formal technicalities to be complied with, Government will see that the farm development is not affected. About the writ petition, we also learnt of this unfortunate development. Perhaps if the State Farming Corporation had informed us and requested us to use our good offices, we could have brought about a reconciliation. However, from the point of view of propriety, we consider it absolutely improper that the Director should have proceeded in the High Court against the State Government.

SHRI VAYALAR RAVI: I asked about the budget and also what action has been taken against the Director for filing a writ against the Kerala Government.

SHRI ANNASAHEB P. SHINDE: We will find out from the State Farming Corporation as to what led to these unfortunate events. But I have already said that from the point of view of propriety we consider it improper. We will take it up with the State Farming Corporation to see what can be done. Necessary steps will be taken to see that the budget is passed.

SHRI N. SREEKANTAN NAIR: Is the Government aware of the failure of the farm authorities to prevent soil erosion by putting up contour bunds or cultivating paddy in a State where foodgrains are so scarce? Is it a fact that not even a single main road has been taken up in Aralam farm perhaps to prevent the Central Government officials from visiting the place and incidentally preventing the State Government from clearing the trees from the remaining part of the forests and handing it over? Are the Government aware of these facts and if so, what action has they taken?

SHRI ANNASAHEB P. SHINDE: According to my information, the main road was to be constructed by the State Government and the inner approach roads were supposed to be constructed by the corporation. We are taking it up with the State Government.

SHRI N. SREEKANTAN NAIR: Is it a fact that under the agreement, the road is not to be built by the State Government?

SHRI ANNASAHEB P. SHINDE: I will look into it.

SHRI K P UNNIKRISHNAN: Is the Minister aware of the two letters written by the concerned Director dated 29th June, and 1st July, 1973 to a leading daily of Kerala, the *Malavala Manorama* where the Director has threatened that "until such time your correspondent start writing unbiased views, we will not be in a position to give you any advertisement as a matter of principle" and whether the letters also contained derogatory remarks about M.Ps.? He has written, "Pressurising the administration by M.Ps. and

M.L.As. is not a sound practice in the modern world". We are separately examining whether it involves a privilege.

If so, may I know whether this has been permitted by the Government of India? Has it been brought to the attention of the Ministry and, if so, what action is proposed to be taken against this person?

SHRI ANNASAHEB P. SHINDE: It was brought to our notice by many hon. Members from Kerala, including Shri Unnikrishnan, who showed me the extracts. We were really unhappy about this that an officer of the Corporation, a Government employee, should have entered into a public controversy. The priority and other aspects of this will be examined.

SHRI C. H. MOHAMED KOYA: May I know whether the Government of India will go into the reasons for the losses, as mentioned in the memorandum submitted by the M.Ps., and take the necessary steps to make this farm a profitable one?

SHRI ANNASAHEB P. SHINDE: The area which has been seleced for this, I must say, is one of the good areas. I have no doubt in my mind that this farm would come up very well, because we have taken adequate care. It is very important for the development of agriculture The hon. Member is saying that it is running into losses. It has just started functioning for the last two years. A considerable amount of development expenditure has to be incurred before it can take shape. Since the condition for development of a farm for plantation etc. is very favourable, it is likely to earn sizable profits in times to come.

SHRI C. M. STEPHEN: In view of the proven misconduct on the part of the concerned Director, namely, refusal to cooperate with the Labour Department of the State, going to the Kerala High Court with a writ of mandamus against the State Government of Kerala disrupting public relations, making the farm a laughing stock by threatening all renouned newspaper of Kerala and conducting himself in such a manner as to have accomplished the impossible feat of keeping all political parties, ruling and opposition, all M.Ps., ruling and of the opposition, all the papers, Government-supporting and anti-Government, every side of the people combined against him, in view of this record of misconduct and mismanagement on the part of this officer, instead of a mere transfer of that officer being contemplated to take place in due course, what action do the Government propose to take again him? Is the Government prepared to see his entire record and take strong action against him so that it will be a stern warning for officers against misconduct of such nature when they are kept in places of public importance?

SHRI ANNASAHEB P. SHINDE: We did not approve of his filing a *write of mandamus* against the State Government. I have already mentioned that the Government will examine its pros and cons. From the point of view of propriety also we feel that he should not have done it. We will examine all the aspects and see what should be done. We will have to take legal advice and also consult the State Government. After that, if we come to the conclusion that it is necessary, we will not hesitate to take strong action.

SHRI DINEN BHATTACHARYYA: This is a typical example where big-headed bureaucrats mismanage a public undertaking. They are trying to create an impression that public undertakings are usually run in this manner. May I know how long this Corporation will continue to function like this and what is the extent of the loss incurred on account of this strike?

SHRI ANNASAHEB P. SHINDE: As I said, only last year the Farm started operating, and it is too early for me to say.....

SHRI DINEN BHATTACHARYYA: What about strike?

SHRI ANNASAHEB P. SHINDE: The strike has been going on and, according to my information, some partial settlement seems to have been arrived at. But a

Central Team which has been constituted has been asked to look into the grievances of the employees. We will see that the interests of workers are protected and necessary steps are taken to see that the relationship between the management and the employees improves.

SHRI DINEN BHATTACHARYYA: What about loss incurred by the Farm?

SHRI ANNASAHEB P. SHINDE: It is not possible to work it out.

There has been a strike. It will be very difficult for me to give that information.

SHRI K. SURYANARAYANA: I want to ask the hon. Minister whether it is a fact that the State Government has not given 6,500 acres of land at a time but given the same piece-meal and the largest chunk of about 3000 acres was given only in May, 1973 and whether it is also a fact that upto July, 1973, about 3000 acres are already under cultivation. He mentioned that because Mr. Krishna, the Member of the other House, is the Chairman of the Farm, the things are not doing well. I want to know whether Mr. Krishna is not properly attending to his duties as the Chairman of the Farm....

SHRI C. M. STEPHEN: Nobody said that.

SHRI K. SURYANARAYANA: Mr. Chandrappan said that. That is why I am obliged to mention Mr. Krishna's name.

Now, so many other Chairmen have also served this Farm. This is a national Agricultural Farm. It concerns the entire country.

I have also got the information that the State Government is also not cooperating with the Farm. I want to know whether it is a fact that this Corporation decided to have an Advisory Committee and requested the Government of Kerala to nominate their representative on the Committee and that the first meeting of the Advisory Committee has already taken place which was presided by the Chairman and attended by the State representatives. (*Interruption*).

MR. SPEAKER: It is very difficult to conduct the proceedings of the House if all of you keep standing and interrupting all the time.

SHRI ANNASAHEB P. SHINDE: I do not think it will be correct to say that the Government is not cooperating. Because of the insistence and persuasion of the State Government, this Farm has been established. The Chief Minister and leaders of all political parties in Kerala are keen to see that the State Farm must succeed. Therefore, what we should do and I would request the hon. Member, Shri Suryanarayana, through you, Sir, not to say anything which would strain the relationship and create misunderstanding. Let us try to use this opportunity to see that proper atmosphere is created.

श्री हुकम चन्द कछवाय : माननीय मंत्री जी ने अभी एक प्रश्न के उत्तर में बताया कि गतवर्ष काम प्रारम्भ हुआ है, इस का विकास बहुत होना है तो मैं जानना चाहता हूं इसके विकास में कितनी धनराशि खर्च होगी, जो डायरेक्टर के खिलाफ शिकायतें हैं वह कौन कौन सी हैं ? अभी आपने यह भी बताया कि उन्होंने भी शिकायत की है और केस दायर किया है तो उन्होंने किन मुद्दों पर केस दायर किया है—इस बारे में क्या आप खुलासा करेंगे ।

SHRI ANNASAHEB P. SHINDE: As far as this Farm is concerned, it is likely to ultimately cultivate about 11,000 to 12,000 acres of land. The capital outlay involved is between Rs. 4 crores to Rs. 5 crores for the development of this Farm. As far as the specific writ filed by the officer is concerned, it is the *writ of mandamus* seeking protection, police protection, but it has been general for protection from local disturbance.

श्री वी० पी० नोर्य : आरणीय अध्यक्ष जी, मैं कृषि मंत्री जी से जानना चाहूंगा कि कोई भी ऐसा स्टेट फार्म है जो लाभ में चल रहा है ?

दूसरे मैं यह भी जानना चाहूंगा कि इसमें कितनी ज़मीन आनी थी, योजना के अनुसार

किस समय कितनी पड़ताल की गई, इसके कोई आंकड़े वे सकेंगे क्योंकि नुकसान का सबसे बड़ा कारण वह भी है?

SHRI ANNASAHEB P. SHINDE: I have got the statement of the individual farms also. In fact, while replying during this current session itself, on 13th August 1973, a statement has been placed on the Table of the House giving statements of profit and loss of individual farms. The hon. Member can see it.

As far as lands are concerned—this is the report which I have got from the Farm Corporation (*Interruptions*)—as on 9th June, 1973, 2,671 hectares of land are in the possession of the State farm.

SHRI P. NARASIMHA REDDY: The Minister was pleased to say that Advisory Committees for State Farms exist, though dormant. In this specific case, was there any Advisory Committee existent and was the State Government represented on the Committee and if not, why not? I also want to know whether, in the case of representation given on these Committees, in respect of all other farms also, Government will take care to see that the State Governments are represented to avoid such unseemly scenes.

SHRI ANNASAHEB P SHINDE: Yes; we shall take care of this.

WRITTEN ANSWERS TO QUESTIONS

Instructions to Car-Producing Units to Exercise price discipline to ensure price stability

*505. SHRI VARKEY GEORGE:
SHRI MUHAMMED SHERIFF:

Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether recently Government have issued any instruction to the Car-producing units in the country to exercise price discipline to ensure price stability; and

(b) if so, the main features there of and the progress achieved in this regard?

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): (a) and (b). No such specific instructions have been issued by Government. However, when I addressed the Annual General Meeting of the Association of Automobile Manufacturers on the 2nd August, 1973, I made a suggestion that the automobile industry should involve a price discipline which should be self-enforcing and self-adjusting and which would ensure price stability to a great extent. The Industry has not yet responded to this suggestion

Diversion of Ore for Indigenous Steel

*508 SHRI YAMUNA PRASAD MANDAL Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government propose to divert ore for the indigenous steel production instead of meeting export demands;

(b) if so, the reasons therefor; and

(c) the advantages thereof?

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): (a) The question presumably refers to iron ore and manganese ore So far as managanese ore is concerned, Government's policy has been stated in reply to unstarred Question No. 1765 answered in the Lok Sabha on the 2nd August, 1973. So far as iron ore is concerned, exports are made from deposits not linked to any steel plants, which have their own linked sources of iron ore supply. The question of diverting iron ore from the export trade for indigenous steel production does not, therefore, arise at the moment.

(b) and (c). The reasons for restricting the export of manganese ore is the small size of manganese ore reserves as compared to the growth in indigenous steel production. It is in the national interest to utilize a raw material for indigenous

steel production rather than export that raw material to the disadvantage of the indigenous steel industry.

Use of Military Garrison Ground, Kohima by Christian Missionaries

*511. SHRI BIRENDER SINGH RAO: Will the Minister of DEFENCE be pleased to state:

(a) whether the Military Garrison Grounds in Kohima (Nagaland) have been used by Christian Missionaries for mass baptism since long; and

(b) if so, the reasons for granting such permission and whether the said garrison grounds can be availed of by other non-political organisations?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) There is no Military Garrison Ground in Kohima (Nagaland). No military land at Kohima has been used by Christian Missionaries for mass baptism.

(b) Does not arise.

Preparation of Feasibility Report for a Steel Plant in Bangladesh

*512. SHRI RAJDEO SINGH: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Bangladesh has asked Metallurgical Engineering Consultants (India) to prepare a feasibility report for a Steel plant in Bangladesh; and

(b) whether Metallurgical Engineering Consultants is well equipped with the latest achievements in Steel technology the world over?

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): (a) The Metallurgical & Engineering Consultants (India) Limited (formerly known as the Central Engineering and Design Bureau of Hindustan Steel Limited) have received a request from the Bangladesh Steel Mills Corporation for the preparation of a Feasibility Report for the setting up of a Steel plant in Bangladesh.

(b) Yes, Sir.

Review of Labour Legislation

*513. DR. RANEN SEN: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether Government have made any review of the working of the existing Labour legislations in the country; and

(b) if so, with what results?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI RAGHUNATHA REDDY): (a) and (b). The process of review of labour legislation is a continuous one. The various labour laws have been reviewed and amended from time to time in conformity with the changing requirements of socio-economic policy and the needs of economic development and growth. The Government of India appointed the National Commission on Labour to review, *inter-alia*, the changes in conditions of labour since Independence and the existing legislation and other provisions intended to protect the interests of labour and to make recommendations thereon. The recommendations of the Commission are being examined and necessary action is being taken to implement those accepted by Government. Government propose to bring forward a comprehensive Industrial Relations Bill.

Office Building and Staff Quarters for E.P.F.O. at Patna

*514. SHRI R. P. YADAV:
SHRI RAMAVATAR SHASTRI:

Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether land has been acquired for the construction of office-building and staff quarters at Patna for the employees of the Provident Fund Organisation;

(b) whether blue prints and sketches of the proposed office building and staff quarters are under preparation and if so, when the construction work is likely to be started; and

(c) the steps which the Chairman of Central Board of Trustees of the Employees Provident Fund Organisation proposes to take to expedite the matter?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI RAGHUNATHA REDDY): The Provident Fund authorities have reported as under:—

(a) to (c) As a result of efforts made by the Chairman, Central Board of Trustees, Employees' Provident Fund, the State Government of Bihar recently agreed to make available a plot of 1/2 acre of land to the Employees' Provident Fund Organisation on Amar Nath Road, Patna for the construction of office building for the Bihar Region The State Government has been moved to hand over physical possession of the plot to the Employees' Provident Fund Organisation. As soon as possession of the plot is obtained, suitable architect will be appointed for the preparation of plans and estimates for the office building As regards land for the staff quarters the matter is being further pursued with the State Government

Compensation to the Families of Victims of Naval Exercise Shell Explosion in Netrani Island

*515 SHRI B V NAIK: Will the Minister of DEFENCE be pleased to state

(a) whether families of the victims of a naval shell explosion in the Netrani Island outside North Kanara coast about 6—8 months back have been compensated; and

(b) if so, how much?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) and (b) It is presumed that the question is in regard to the explosion on 2nd February 1973. The matter has been fully investigated and the Central Government have no liability in respect of payment of compensation.

Development of New Planes for Civilian Traffic

*516. SHRI DHARAMRAO AFZALPURKAR: Will the Minister of DEFENCE be pleased to state:

(a) whether Hindustan Aeronautics Limited have developed new planes for civilian traffic; and

(b) if so, the main features thereof?

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA). (a) No, Sir.

(b) Does not arise

Bonded Labour System

*517 SHRI GIRIDHAR GOMANGO: Will the Minister of LABOUR AND REHABILITATION be pleased to state

(a) whether the bonded labour system still exists in the Tribal Areas of Andhra Pradesh Bihar Madhya Pradesh and Orissa,

(b) the steps taken by the State Governments and the Centre so far to check the evil practice and

(c) how far the laws have protected the tribals from this evil?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI RAGHUNATHA REDDY): (a) The practice of bonded labour exists in one form or the other in the tribal areas of Andhra Pradesh, Bihar, Madhya Pradesh and Orissa

(b) The State Governments have enacted legislation and introduced various welfare schemes to check the exploitation of tribals

(c) The practice of bonded labour is gradually dying.

Steps to Increase Production of Stainless Steel

*518. SHRI RAM BHAGAT PASWAN: Will the Minister of STEEL AND MINES be pleased to state the steps being taken by Government to increase production of stainless steel in the country?

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): The National Council of Applied Economic Research were commissioned in July, 1970 to update their earlier demand forecast for steel for 1975/1980. In their report submitted to Government in August, 1971, the following demand for stainless steel was indicated:

Year	Tonnes
1975	50,300
1980	117,400

The projections made by the National Council of Applied Economic Research were reviewed in the Ministry of Steel and Mines and after taking into consideration the present level of demand, it was considered that an estimate of 100,000 tonnes by 1980 would be more realistic.

Having due regard to the capacity already available in the country, it was decided to include a capacity of 70,000 tonnes of stainless sheets and strips in the new steel plant being set up at Salem.

Meantime, efforts are being made to increase the production of stainless steel at the Alloy Steels Plant, Durgapur.

More Units for Production of Scooters

*519. SHRI S. M. BANERJEE: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether more units are likely to be established in the country for the production of scooters;

(b) if so, the number of such units and their locations; and

(c) how does the present production of scooters compare with 1971 production?

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): (a) and (b). Apart from M/s. Gujarat Small Industries Corporation, Ahmedabad who have already been granted an industrial licence for manufacture of scooters in Gujarat and M/s. U.P. Scooters, Kanpur to whom an industrial licence for manufacture of scooters in U.P. is under issue, the following parties, whose prototype scooters have already been approved as roadworthy by the VRDE, Ahmednagar are likely to establish their undertakings for manufacture of scooters:—

Name	Location
1. Shri Jagdish Prasad, Lucknow	U. P.
2. M/s. Rajasthan State Industrial and Mineral Development Corporation, Jaipur	Rajasthan

Besides, the Western Maharashtra Development Corporation, Poona who have been allowed to enter into a collaboration agreement with M/s. Bajaj Auto Ltd. for manufacture of scooters may also set up a new unit in Maharashtra for manufacture of scooters.

M/s. Scooters India Ltd., in the public sector is likely to commence production at Lucknow from August, 1974. The following State Industrial Development Corporations who propose to enter into licensing arrangements with the former for the manufacture of latest model of Lambretta

scooters are also likely to set up new units for the manufacture of scooters:—

Name	Location
1. M/s. Andhra Pradesh Industrial Development Corporation, Hyderabad	Andhra Pradesh
2. M/s. Mysore State Industrial Investment and Development Corporation, Bangalore.	Mysore
3. M/s. Punjab State Industrial Development Corporation Ltd., Chandigarh	Punjab
4. M/s. West Bengal State Industrial Development Corporation, Calcutta	W. Bengal

(c) The production of scooters during 1971, and 1972 and 1973 has been as under:—

1971	67,212 Nos.
1972	63,834 Nos.
1973 (upto July, 1973)	46·992 Nos.

Report of Bonus Review Committee

*520. SHRI M. M. JOSEPH: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether there has been delay in completing the report of the Bonus Review Committee; and

(b) if so, the reasons therefor?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI RAGHUNATHA REDDY): (a) and (b). The deliberations of the Bonus Review Committee have received a slight set back due to the sad demise of its Member, Shri Satish Loomba, in the aircrash near Delhi Airport on 31st May, 1973.

Number of Indian Nurses involved in "Non-Smuggling" and sold as slaves

4924. DR. H. P. SHARMA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government are aware that most of the Nurses who went out of India during the last three years were those involved in so-called 'nun-smuggling'; and

(b) if so, the number of those who have been involved in 'Nun-smuggling' and have been sold as slaves in Arab countries?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) and (b). No, Sir; it is not correct that the nurses who went out of India during the last three years were involved in the so-called 'nun-smuggling'.

The Government have been constantly keeping a close watch over this matter and have requested the State Governments to tighten up security arrangements at all possible exit points to check any illicit outflow of Indian women.

The Government are not aware of any Indian girls being sold as slaves in Arab countries.

Magnesite Plant at Almora (U.P.) Behind Schedule

4925. SHRIMATI SAVITRI SHYAM: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the progress of construction of Magnesite Plant at Almora (U.P.) is far behind schedule; and

(b) if so, the reasons therefor and the steps taken or proposed to be taken by Government to expedite the progress of the plant?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). Yes, Sir. The progress of the project was held up due to shortage of power which is now being sanctioned. The Magnesite plant is almost ready for production.

Establishing an Explosive Factory in Orissa

4926. SHRI P. GANGADEB: Will the Minister of DEFENCE be pleased to state:

(a) whether an explosive factory will be established in Orissa;

(b) whether the same will be located at Hirakud; and

(c) if so, the steps taken in this regard?

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA): (a) to (c). There is no proposal, at present, to establish an explosive factory in Orissa in the Defence sector.

Proposal to Send Delegations of Members of Parliament to Create Friendly Relations with Foreign Countries

4927. KUMARI KAMLA KUMARI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether a few delegations of Members of Parliament are proposed to be sent to several countries to create friendly relations in the near future; and

(b) if not, the other steps to be taken to create friendly relations with foreign countries?

THE MNISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) and (b). There is no proposal at the moment to send delegations of Members of Parliament to foreign countries. Government are constantly engaged in strengthening friendly ties with other countries in various fields. This is done through day to day contacts and efforts of our missions abroad, consultations at appropriate levels between Governments, exchange of delegations in various specialised fields etc. Our relations with each country are constantly under review and the concrete steps to be taken in a given situation in order to further our interests as well as mutual understanding are decided on the basis of factors in existence.

इंडिया गेट नई दिल्ली, पर प्रज्वलित 'अमर जवान ज्योती' पर हुआ व्यय

श्री श्री हुकम चंद कछवाय : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) वित्तीय वर्ष 1972–73 में इन्डिया गेट नई दिल्ली, पर प्रज्वलित 'अमर जवान ज्योति' पर कितना व्यय हुआ है ; और

(ख) वित्तीय वर्ष 1973–74 में इस पर कितना व्यय होने का अनुमान हैं ?

रक्षा मंत्री (श्री जगजीवन राम) : (क) 89,124.00 रूपए

(ख) 78,33.00 रुपए

Position of Junior Division Commissioned N.C.C. Officers and J.C.Os. of Regular Army

4929. SHRI R. V. BADE: Will the Minister of DEFENCE be pleased to state:

(a) where do the Junior Division Commissioned NCC Officers stand in regard to their position in comparison with the position of the JCOs of the regular Armed Forces;

(b) whether the JCOs are regarded senior to the Commissioned Officers of the Junior and Senior Division NCC while on duty parade; and

(c) if so, why this discrimination is created between the Commissioned Officers of NCC and the JCOs of the regular Army?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) and (b). Junior Division NCC Officers are treated at par with the JCOs in the Army and Senior Division NCC Officers are treated as senior to the JCOs of the Army, when in uniform, while attending authorised Parades and on annual training camps.

(c) Does not arise.

Appointment of Junior Commissioned N.C.C. Officer as Administrative Officers

4930. SHRI R. V. BADE: Will the Minister of DEFENCE be pleased to state:

(a) whether the Junior Division Commissioned NCC Officer are also eligible to apply for the post of Administrative Officers in the NCC Units; and

(b) if so, what are the conditions to be completed by the candidates while applying to the above post?

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE SHRI J. B. PATNAIK): (a) Junior Division Commissioned male NCC officers are not eligible to apply for the post of Administrative officers in the NCC Units, while Junior Wing NCC commissioned lady officers are eligible to apply for the same.

(b) A Junior Division commissioned NCC lady officer must fulfil the following conditions:—

(i) Candidate should be a graduate.

(ii) she should have served for a minimum period of two years in the Junior Wing NCC;

(iii) she should be fit for service in the NCC in accordance with the physical standards laid down by the Government;

(iv) On the date of application, she should be not less than 22 years and not more than 35 years.

Recruitment of Ex-Servicemen in Para-Military Forces.

4931. SHRI R. V. BADE: Will the Minister of DEFENCE be pleased to state:

(a) whether Government have a plan in practice to recruit the Ex-Servicemen in the Para-Military Forces such as CRP, BSF, CISF, RSPF; and

(b) if so, what are the main conditions for such recruitments of *ex*-Servicemen in the above Para-Military Forces?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) and (b). Yes Sir. The recruitment to Para Military Forces such as CRP, BSF, CISF and RPSF is made under the Rules framed under CRP Act of 1955, BSF Act 1968, CISF Act 1968 and RPF Act 1957.

There are no special conditions laid down for such recruitment. Any ex-Servicemen possessing the requisits qualifications is eligible for recruitment.

Re-Appointment of Ex-Servicemen Discharged from Service on Grounds of Disaility

4932. SHRI R. V. BADE: Will the Minister of DEFENCE be pleased to state:

(a) whether the *ex*-Servicemen who have been discharged on the ground of disability, can be taken again in the same crops provided they fulfil the medical standards now;

(b) whether Government have a scheme to prov pension to such ex-Servicemen who have been discharged on disability basis; and

(c) whether there is a scheme of medical treatment for such disabled ex-Servicemen under the active consideration of Government?

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B PATNAIK):

(a) (i) *Air Force and Navy.*

In these two Services, there is no provision for re-enrolment of ex-servicemen discharged on the ground of disability.

(ii) *Army*

There is no ban on re-enrolment of an ex-serviceman discharged from the Army on the ground of disability provided he is declared fit by the Medical authorities after a re-Board and he also satisfies all the other conditions for enrolment at the time of re-enrolment

(b) Disability pension is granted where the invaliding disability is attributable to or aggravated by service and is assessed at 20 per cent or above Invalid pension/ gratuity is granted where the disability, though attributable to or aggravated by military service, is less than 20 per cent or is not related to the military service Invalid pension is given where the individual has rendered 10 years or more service and invalid gratuity where the service rendered is less than 10 years

(c) Ex servicemen who have been discharged on the ground of disibility held attributable to/aggravated by military service are entitled to full treatment of their disability from service sources

Proposal for Electric Furnace Steel Plant from Kerala Government

4933 SHRI VAYALAR RAVI Will the Minister of STEEL AND MINES be pleased to state

(a) whether Government have received any proposal to set up an Electric Furnace steel plant from the State of Kerala and

(b) if so, the main features thereof and the decisions taken thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA) (a) and (b) Government have granted a licence under the Industries (Development & Regulation) Act, 1951, on 16th March, 1972, to Messers. Steel Complex Ltd., Feroke (Kerala) for establishing an electric furnace-cum-continuous casting unit at Feroke for the manufacture of 50,000 tonnes (annual capacity) of mild, medium carbon and spring steel billets on the basis of maximum utilisation of plant and machinery. This is a joint sector venture which is being implemented with the Kerala State Industrial Development Corporation as one of the principal promoters

Setting up of Agro-Industries Unit in Kerala

4934 SHRI VAYALAR RAVI Will the Minister of HEAVY INDUSTRY be pleased to state

(a) whether the Kerala Agro industries Corporation has prepared any scheme for the development of its tractor unit and setting up of new agro-industries unit in that State and

(b) if so the broad outlines thereof and the Central assistance sought and quantum proposed to be given?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD) (a) No scheme for the manufacture of tractors has been prepared by the Kerala Agro Industries Corpor tion

(b) Does not arise

Free Ration to Army Commissioned Officers in Peace Areas

4935 DR H P SHARMA Will the Minister of DEFENCE be pleased to state

(a) whether Government have any Committee to examine the fact that Army Commissioned Officers have to spend more than their salary, while they remain in Mess and if so, the reaction of Government thereto; and

(b) whether Government consider it worthwhile to provide free ration to the above Commissioned Officers posted in the peace area like other JCOs?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) No, Sir. It is not a fact that the commissioned officers have to spend more than their salary as their messing expenses and as such there is no need for any Committee in this regard.

(b) Does not arise.

Production of Vespa (Bajaj) and Lambretta Scooters during last three years

4936. SHRI AMBESH: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) the year-wise, production during last three years of Vespa (Bajaj) and Lambretta scooters in the country;

(b) the procedure for allotment of these scooters to the social workers in the country; and

(c) the percentage of production of Vespa and Lambretta, separately, allotted to the various categories, category-wise, in a year?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a)

Type of scooter	Production in numbers		
	1970-71	1971-72	1972-73
Vespa (Bajaj)	31,580	40,833	43,731
Lambretta .	25,193	24,691	20,358

(b) It has been decided to allot with effect from the current quarter 20 scooters of each make (Bajaj and Lambretta) to the known social workers in the country.

(c) The percentage of production of Vespa and Lambretta, separately earmarked for the various categories, in the year 1973-74 is indicated below:—

S. No.	Category	Bajaj %	Lambretta %
1.	Central Government :		
	(a) Government Servants .	19·00	23·00
	(b) Public Utility	3·00	1·30
2.	State Governments .	9·60	11·00
3.	Defence .	2·00	6·00
4.	Foreign Exchange	2·40	·40
5.	Banking Department .	1·44	2·00
6.	Parliamentary .	·24	·26
7.	Life Insurance Corporation .	·44	·96
8.	Press Information Bureau	·04	·09
9.	Border Security Force .	·22	·26
10.	United Nations Development Programme	·08	·02
11.	Central Reserve Police .	·08	·01
12.	Delhi Transport Corporation .	·02	·05
13.	Social Workers .	·04	·01
		38·66	45·315

State offering to Collaborate with HMT for manufacture of Watches

4937. SHRI SHASHI BHUSHAN: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) the number and names of States which have offered to collaborate with Hindustan Machine Tools units for the manufacture of watches; and

(b) the reaction of Government thereto and whether the Hindustan Fachine Tools has drawn up a scheme in this regard and, if so. the particulars thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) and (b) Uttar Pradesh, West Bengal, Kerala, Gujarat, Meghalaya, Tripura, Himachal Pradesh, Andhra Pradesh and Manipur have approached HMT for collaboration Government have reacted positively and a detailed scheme is under preparation.

Reserves of Coking Coal in New Dharmabad Colliery

4938. SHRI BANAMALI PATNAIK: Will the Minister of STEEL AND MINES be pleased to refer to the reply given to Unstarred Question No. 2428 on the 30th November, 1972 regarding New Dharmaband Finds in "Indian workers" and state:

(a) the reserves of coking coal in seams xiii and xv (bottom) and its extractable quantity;

(b) its content as per CFRI or HSL laboratory reports taken in 1971-72; and

(c) the grade given to the coal of the said seam?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a). The reserves of coking coal in seams xiii and xv (bottom) and its extractable quantity are as below:

Seam	Reserves standing on pillars (tonnes)	In virgin Tonnes	Extractable Reserves Tonnes
xiii	5,52,000	56,48,000	31,20,000
xv (bottom)	9,50,000	..	5,25,000

Extractable reserves have been estimated at 70 per cent of the reserves standing on pillars and 50 per cent of virgin reserves due to geological disturbances, etc.

(b) and (c). Seams xiii and xv are not being worked at present. So far as information is available no analysis of seams xiii and xv was carried out either by the Central Fuel Research Institute or Hindustan Steel Ltd. The grades of the seams are as below:

Seam xiii	Grade 'F'
Seam xv	Grade 'C'

Appointment of Auctioneers in the Ministry of Defence

4939 SHRI SUKHDEO PRASAD VERMA: Will the Minister of DEFENCE be pleased to refer to the reply given Unstarred Question No. 4475 on the 12th July, 1971 regarding appointment of Auctioneers in the Ministry of Defence and state:

(a) whether M/s J R. Bashesar Nath have been appointed as auctioneers to work on two panels of the Defence Ministry to dispose of their salvage stores;

(b) whether this firm is on the approved panel of the DGS & D;

(c) if not, the reasons for the departure of the well established practice as indicated in the reply to the Unstarred Question referred to above; and

(d) whether it has been brought to his notice that this firm was removed from the approved panel of the DGS & D for malpractices in the year 1971?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a). M/s. J. R. Baleshar Nath and two other firms have been selected for appointment as auctioneers on Kanpur Panel I and Kanpur Panel III on the basis of their offers received in response to a tender enquiry.

(b). No, Sir.

(c). Due to an increase in workload connected with the disposal of Defence

stores the need for appointment of additional auctioneers on Defence Panels in Kanpur Region was felt in February 1973. With a view to widen the scope of competition it was decided not to limit the enquiries to auctioneers on DGS & D's panel. Accordingly, limited tenders were floated to 16 firms of auctioneers on the panel of Defence, DGS & D and also Northern Railway who dispose of large quantities of surplus stores through auctions in the areas proposed to be covered by Kanpur region M/s J R Basheshar Nath who were one of the parties on approved panel of Northern Railway were also issued the tender enquiry. The performance of the firm, who was on the panel of the Northern Railway had been verified and found to be satisfactory before they were selected

(d) A reply to a reference made to Ministry of Supply shows that the firm had not been removed from the DGS & D panel of auctioneers but at the time of review in 1971 the contract with them was not extended Further, business dealings with the firm were not banned

Shortage of Singareni Coal in Hyderabad City

4940 SHRI P GANGA REDDY Will the Minister of STEEL AND MINES be pleased to state

(a) the total production of Coal in Singareni during 1970-71, 1971-72 and 1972-73 and the disposal of the same in Hyderabad City, Andhra Pradesh and outside the State

(b) the reasons for shortage of Singareni Coal in Hyderabad City these days;

(c) whether Singareni Coal is being sold at Rs 150 per tonne in Hyderabad these days as against the Company price of the Rs 90 or so per tonne; and

(d) what steps have been taken to increase the supply of Coal in Hyderabad City and also to check the price rise?

THE DEPUTY MINISTER IN THE MINISTY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a). The coal production and despatches to consumers by the Singareni Collieries Company for the last three years have been as under:

Year	Production	Despatches
	(Lakh tonnes)	
1970-71 . . .	40 46	41·24
1971-72 . .	47·07	47·54
1972-73§. . .	50·38	52·16

Despatches to Andhra Pradesh and twin Cities of Hyderabad and Secunderabad for the last three years were as under:

Year	Andhra Pradesh	Hyderabad & Secunderabad
	(Lakh tonnes)	
1970-71	15 17	1·20
1971-72	23 69	1·25
1972-73	23 40	1 30

The remaining coal produced by the Company was disposed of outside the State including supplies to the Railways

(b and (c) The shortage of Singareni coal is due to the fact that demand is outstripping the supplies The consumers of round coal have not received their supplies from April, 1973 as the Railways are consuming the round coal produced by the Company The delivered price of Singareni coal by rail to Hyderabad including price, freight, cesses and other charges, is Rs 80.83 per tonne as against the prevailing delivered price of coal by road, including price, road freight and other charges, of Rs 109 22 per tonne. It is not correct that coal is being sold at Rs 150 per tonne in Hyderabad. Prices may fluctuate between Rs. 110 and Rs 120 per tonne subject to the quantum of receipts by rail.

(d) To increase the supply of coal by rail to Hyderabad City, Railways have been requested to draw round coal to the extent of offer made by the Company and

release the balance coal for trade and industry. Railways are striving to get coal from Bengal/Bihar and outlying coalfields and to release some rakes every month for trade and industry and Hyderabad City. Coal is decontrolled but test checks are being made regarding the prices at which it is being sold and any person found to charge extra-ordinary rate is not supplied coal next time

Cost of raising of Coal per tonne in Singareni Coal Mines

4941 SHRI P GANGA REDDY Will the Minister of STEEL AND MINES be pleased to state

(a) the cost of raising of Coal per tonne in Singareni Coal Mines for the last three years,

(b) the number of workers employed in Singareni Coal Mines during the last three years and the average daily raisings for each worker during the above period,

(c) total cost of production of coal per tonne for different grades in Singareni for the last three years and

(d) how the foregoing facts compare with the performance in Bengal Coal Company for the corresponding period?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA) (a) The cost of raising coal in the Singareni Coal Mines for the last three years is as under

1970-71	Rs 42 25 per tonne
1971-72	Rs 39 56 per tonne
1972-73	Rs 41 49 per tonne

(b) Number of workers employed during the last three years and average daily raisings for each worker is as under

Year	Workers	Daily raisings
		tonne
1970-71	31425	0·56
1971-72	32720	0 62
1972-73	35313	0·62

(c). There is no grading of Singareni coal Output raised is screened and sold in sizes The cost of production per tonne for all sizes is the same as given at (a) above.

(d) A comparison is not possible as the Bengal Coal Company was in the private sector before nationalisation of its mines and also the figures of cost of production per tonne etc in respect of these mines are not available

India's Policy towards Restoration of Peace and Normalcy in Cambodia

4942 SHRI G Y KRISHNAN Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) the main features of the policy of Government in supporting the restoration of peace and normalcy in Cambodia on the basis of respect for their sovereignty and territorial integrity and

(b) whether Government have expressed sympathy and distress for the ordeal through which Cambodia has been passing?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH) (a) The main features of the Government's policy towards Cambodia have been non-interference in its internal affairs and the firm belief that any final settlement of the Cabodian question will have to be arrived at by the Cambodian people themselves without any outside interference

(b) Yes, Sir

Admission to Sainik Schools in the country

4943 SHRI BIRENDER SINGH RAO Will the Minister of DEFENCE be pleased to state

(a) the criteria laid down for admission of the children of employees of Home Ministry and the Defence Ministry to the Sainik Schools in the country

(b) the condition of eligibility for stipends in both the cases, and

(c) the reasons for different standards being applied, if any?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a). Boys of all categories are admitted in Sainik Schools according to the order of merit obtained by them in an All-India Entrace Examination held annually. Exception is made only in the case of Scheduled Caste/Scheduled Tribe candidates who are admitted if they secure the prescribed qualifying Marks.

(b). The conditions of eligibility for scholarships at Sainik Schools under the schemes of the Ministry of Defence and the Ministry of Home Affairs (the latter is now administered by the respective Union Territories including those which have recently attained Statehood) are given in the statement laid on the Table of the House. [*Placed in Library. See* No. LT-5563/73].

(c). The Ministry of Defence scholarship scheme is intended for the sons of serving and retired Junior Commissioned Officers and Other Ranks of the Army and equivalent ranks of the Navy and Air Force.

The other scheme which was earlier administered by the Ministry of Home Affairs is applicable to boys hailing from Union Territories and Centrally administered areas. The question of modifying that scheme in order to bring it at par with the Ministry of Defence scholarship scheme, is under examination with the Union Territories/Centrally administered areas/States which are now administering it.

Non-Declaration of Amrit Bazar Patrika and Jugantar group of Newspapers as Class I Newspapers by Management

4944. SHRI RAMAVATAR SHASTRI: SHRI C. K. CHANDRAPPAN:

Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether Amrit Bazar Patrika and Jugantar Group of Newspapers, Calcutta have not yet been declared Class I newspapers by the Management, though they should have done so according to rules and directives of Government;

(b) whether the provisions of Working Journalists Act are being violated; and

(c) the steps Government propose to take to see that the rule and provisions of the Act are observed by the management?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATASWAMY): (a) to (c). The information is being collected and will be laid on the Table of the House.

Permission for opening branches by Foreign Missions in India

4945. SHRI B. K. DASCHOWDHURY: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Foreign Missions can open their branches in any part of the country without express consent of Government and if not, what type of sanction or permission is required;

(b) whether Swedish Mission has any branch in West Bengal; and

(c) if so, the names of the organisations, location of the Branch Offices in Districts or Sub-Divisions and the nature of work done by such organisations or branches of the Mission and whether before opening any branches in the Districts or Sub-Divisions prior permission was taken?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a). It is necessary to obtain the prior approval of the Government of India for opening a Consular Post, Trade Representation/Commission and Assistant/Deputy High Commission in any part of the country. The permission given by the Government authorities a Consulate, etc., to carry on all its legitimate functions within a prescribed geographical jurisdiction.

(b) and (c). The Royal Swedish Government have only an Honorary Consulate in Calcutta, West Bengal. Prior permission of Government of India was taken for its functioning. The functions of a Consulate include development of commercial, economic and cultural relations between the two States, helping the nationals of the sending State and performing any other function entrusted to a Consular Post by the sending State, to which the Receiving State has no objection.

Resolution passed by Supervising Staff Federation of State Bank of India regarding Amendment to Industrial Dispute Act

4946. SHRI ARJUN SETHI Will the Minister of LABOUR AND REHABILITATION be pleased to state

(a) whether the All-India State Bank of India Supervising Staff Federation passed a Resolution urging upon Government to amend the Industrial Dispute Act to bring them under its purview; and

(b) if so, the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) Yes, Sir.

(b) The question of widening the scope of the definition of the term 'workman' under the Industrial Disputes Act, 1947 is under the consideration of Government.

Compilation of All-India Working Class Consumer's Price Index

4947. SHRI PANNA LAL BARUPAL:
SHRI M C DAGA:

Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) the monthly figures of All-India Working Class Consumer's Price Index as well as the twelve monthly averages thereof for the last twelve months taking base years 1949-100 and 1960-100 separately; and

(b) the list of the items which are taken into consideration while computing the above-mentioned Index and how is it computed?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G VENKATSWAMY). (a) A statement showing monthly figures of All-India Working Class Consumer Price Index as well as the 12 monthly average thereof for the last 12 months taking base year 1949-100 and 1960-100 is laid on the Table of the House [*Placed in Library See* No. LT-5564/73]

(b) A statement showing the list of items which are taken into consideration by the Labour Bureau while computing the Consumer Price Index is laid on the Table of the House. [*Placed in Library. See* No. LT-5564/73] Another statement showing the method of compilation of this Index is also laid on the Table of the House [*Placed in Library See* No. LT-5564/73].

Measures to check Pollution of Sea Water in Coastal Arabian Sea

4948. SHRI K. LAKKAPPA:
SHRI P GANGADEB:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether any laws have been made to check the oil pollution in the coastal Arabian Sea by the ships plying in the sea, and

(b) the steps taken by Government to check pollution of sea water?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) and (b). The law for the prevention of pollution of the sea by oil, which is applicable not only to the coastal Arabian Sea but to all the coastal areas of India,

is contained in Part XI-A (Sections 356A to 356J) of the Merchant Shipping Act of 1958, as amended in 1970 It prohibits the discharge of oil or oily mixtures by Indian and foreign tankers or ships within the prohibited zones adjoing the territories of India.

These sections of the Act will come into force from such date as the Central Government may, by notification in the Official Gazette, appoint It is proposed to issue such a notification after three months of the deposit of Instrument of Accession to the International Convention for Prevention of Pollution of the Sea by Oil of 1954 with the depository mentioned in the Convention. An Instrument of Assession to the Convention has been signed by the President of India in July, 1973. Steps for its deposit are being taken by the Ministry of Shipping and Transport. After these sections have come into force, the Government of India will take other necessary steps to check pollution of sea by oil, in conformity with the provisions of the said Act.

Production of Commercial Vehicles at TELCO, Jamshedpur

4949. SHRI K. LAKKAPPA:
SHRI SHRIKISHAN MODI

Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether there has been a set-back in the production of Commercial Vehicles at TELCO in Jamshedpur; and

(b) if so, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir.

(b) Power cut at their works at Jamshedpur has affected production of commercial vehicles in April—June, 1973.

Hospet Steel Unit

4950. SHRI D. B. CHANDRA GOWDA: Will the Minister of STEEL AND MINES be pleased to state:

(a) what is the position regarding Government's stand in connection with the Hospet Steel Unit (Mysore);

(b) whether there has been some indications of Soviet Union's assistance in this regard; and

(c) if so, the broad outlines of the decision of Government in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) While a final decision is yet to be taken in regard to plant capacity and product-mix, work on preliminary items of work like land acquisition, development of infrastructure facilities, testing of raw materials etc. is in good progress.

(b) No, Sir.

(c) Does not arise.

TELCO facing set-back in output of Forge, Foundry and General Engineering

4951. SHRI SHRIKISHAN MODI: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether TELCO is facing serious set-back in the output of forge, foundry and general engineering; and

(b) the total loss suffered during the last year?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir; there was serious set-back in the output of the forge, foundry and general engineering Divisions of TELCO during the period from April to June, 1973 due to acute shortage of electric power.

(b) Last year on account of labour trouble there was loss of production of about 3300 vehicles

Locking out of Commitment for Supply of Non-ferrous Metals by East European Countries

4952. SHRI HARI KISHORE SINGH: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether East European countries have backed out of their commitment to supply India with non-ferrous metals in the current financial year; and

(b) if so, the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA) (a) No, Sir.

(b). Does not arise.

India's Atomic Establishment Announcement Re. Explosion of Chinese Nuclear Device

4953. SHRI BHAGIRATH BHANWAR: Will the Minister of DEFENCE be pleased to state:

(a) whether India's atomic establishment first announced the news of China's exploding of a "nuclear device" in June, 1973;

(b) why was the Indian establishment not able to say that the device was thermo-nuclear and nuclear, that is to say it was a hydrogen bomb that exploded and not an atom bomb;

(c) if so, whether the detecting machinery is defective; and

(d) if so, the steps proposed to be taken to improve it?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) Yes, Sir.

(b) The announcement made within 3½ hours of the time of detonation, clearly stated that China exploded a nuclear device. This was based on the characteristic pressure waves generated by the explosion These waves provide an indication of the time location and approximate energy of the explosion From the energy released (1-2 mega-tonnes) it was surmised that it was a thermonuclear device and later confirmed as such by radioactive fallout which takes several days to arrive over India.

(c) No, Sir, the detection machinery is not defective, on the contrary it has proved to be the most sensitive device for early detection of explosions from China.

(d) Does not arise.

Mismanagement in Production Planning and Costing in M/s. Jessops Ltd.

4954. SHRI INDRAJIT GUPTA: Will the Minister of HEAVY INDUSTRY be pleased to refer to the reply given to Starred Question No. 166 on 2nd August, 1973 regarding Government shareholding in Jessops and Co. Ltd., Calcutta and state:

(a) the extent of borrowings and interest thereon, by M/s. Jessops Limited from Government;

(b) whether the company has also borrowed heavily from the State Bank of India;

(c) whether heavy losses and poor performance are still continuing due to mismanagement in production, planning and costing; and

(d) if so, the action taken to remedy the situation?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDHESHWAR PRASAD): (a). Government have so far granted loans to the extent of Rs. 14.18 crores to Messrs Jessop & Company. The loans are subject to an interest at 9½ per cent per annum.

(b) Yes, Sir.

(c) and (d) The trend of the losses has been effectively reversed with the diversification of the product-mix and better planning.

Rules governing Distribution of Tractors produced in Hindustan Tractors Ltd.

4955 SHRI B R SHUKLA Will the Minister of HEAVY INDUSTRY be pleased to state

(a) whether Hindustan Tractors Ltd have started produciton of tractors, and

(b) if so, what is the total annual quantity of production and what are the rules and regulations for their distribution to various States?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD) (a) and (b) Production has now been resumed and 116 tractors have been produced since the takeover The production during the year 1973 74 is expected to be about 1000 tractors

The distribution of tractors to various States is governed by the provisions of the Tractors (Distribution and Sale) Control Order, 1971

Scheme for rationing of Private Cars during Fifth Plan on the basis of Professional Requirement

4956 SHRI VIKRAM MAHAJAN
SHRI SHRIKISHAN MODI

Will the Minister of HEAVY INDUSTRY be pleased to state

(a) whether the Planning Commission is drawing up a scheme for rationing private cars during the Fifth Five Year Plan period on the basis of professional requirement, and

(b) the main features of the proposal and when this is likely to be implemented?

THE DEPUTY MNISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD) (a) No, Sir

(b) Does no arise

Rehabilitation of Tibbetan Refugee victims of fire in Delhi

4957 SHRI A K M ISHAQUE Will the Minister of LABOUR AND REHABILITATION be pleased to state

(a) whether 250 odd victims of recent fire in Tibbetan Refugee camp on Jamuna Bank at Delhi are still in Shamianas

(b) when the grant of Rs 250 sanctioned per affected family will be handed over to each of them and

(c) what measures Government have taken to rehabilitate them?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G VENKATSWAMY) (a) The Tibbetan refugee families of the 79 jhuggies destroyed by fire are now reported to be living in katcha structures constructed by them with the exgratia relief of Rs 250 per family given by the Government

(b) The ex gratia relief of Rs 250 per family was disbursed on he 28th March, 1973

(c) The question of giving rehabilitation assistance to these refugees, most of whom are reported to have some means of livlihood will be considered in due course in the light of the priorities fixed and after taking into account their present means of livelihood

Scooter Manufacturing Plant in Delhi

4958 SHRI AMAR NATH CHAWLA: Will the Minister of HEAVY INDUSTRY be pleased to state·

(a) whether there is any proposal to set up a scooter manufacturing plant in the Union Territory of Delhi;

(b) if so, whether the proposal was mooted by the Delhi Administration; and

(c) how many persons will get employment?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) to (c). No proposal to set up a scooter manufacturing plant in the Union Territory of Delhi has been received from the Delhi Administration. However, an application from a private party for an industrial licence for setting up a new industrial undertaking in Delhi to manufacture scooters was received by Government. It envisaged a capacity of 1,00,000 scooters per annum The employment potential of the scheme was indicated to be about 3000 persons A letter of intent for the manufacture of 24,000 scooters per annum has been granted to the party

Economic Democracy

4959 SHRI RAJDEO SINGH Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether Government are aware that Danish Government has tabled a Bill for "Economic Democracy" which eventually will lead to employees' control of any Company with more than 50 per cent on the pay roll viz., to make the employees in the Corporate Sector co-owners of the capital;

(b) whether the said Bill gives the employees extensive influence over the running of the individual Company; and

(c) if so, whether to give boost to production and holiday from strikes, our Government are prepared to adopt this *policy of economic Democracy*?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G VENKATSWAMY) (a) to (c). Government have noted the contents of a Bill on Economic Democracy proposed by the Danish Government The Bill seeks to ensure employees' participation in ownership and decision-making as well in achieving contributory influence in industry and in individual undertakings.

Reasons for long wait for allotment of Vespa Scooters from Government Quota

4960. SHRI RAM PRAKASH: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether the applicants for allotment of *Vespa scooters from Government quota* have to wait for considerably longer time than the applicants for Lambretta scooters;

(b) if so, the reasons therefor;

(c) the present priority date for supply of Vespa scooters; and

(d) the yearly Government quota of Vespa and Lambretta scooters?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) **Yes, Sir.**

(b) Because the demand is greater.

(c)

Category	Date of priority
List I (Rs. 900 and above)	2-2-1971
List II (Rs. 500 to 899 Executive)	3-3-1970
List III (Rs. 500 to 899)	26-2-1970
List IV (Rs. 300 to 499 (Executive)	29-4-1969
List V (P. As. to Joint Secretaries and above)	27-2-1971
List VI (Doctors)	10-3-1971
List VII (Rs. 350 to 499)	28-2-1969
Vespa (Bajaj)	9400 per annum
Lambretta	5240 per annum

Television Manufacturing Industry at Hal Sunabeda, Koraput, Orissa

4961. SHRI GIRIDHAR GOMANGO: Will the Minister of DEFENCE be pleased to state:

(a) whether there is a proposal to start Television Manufacturing Industry at HAL, Sunabeda of Koraput District, Orissa;

(b) if so, when it will be started;

(c) whether this will be private sector or public sector unit; and

(d) if it is private sector, to whom the manufacturing licence has been issued?

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA): (a) to (d). There is no proposal to start a Television manufacturing industry at HAL, Koraput Division. HAL Hyderabad Division, has however, developed knowhow for the manufacture of TV sets. The know-how has been sold to Orissa Small Scale Industries Development Corporation and M/s. Bharat Televisions Private Limited, Hyderabad.

Lock out in H.M.T. Unit, Hyderabad

4962. SHRI MUHAMMED SHERIFF:
SHRI SUKHDEO PRASAD VERMA:

Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether on the 2nd August, 1973, a lock-out was declared in the Hindustan Machine Tools Unit in Hyderabad;

(b) if so, the reasons therefor; and

(c) the steps taken by Government in lifting the declared lock-out?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir.

(b) and (c). The management had to declare the lock-out in view of the stay in strike, shouting of slogans and other intimidatory actions on the part of a section of employees which made normal working of the factory impossible.

The lock-out was lifted with effect from 6 A.M. on 3rd August, 1973 after the workers and the Staff Union assumed the Management to abide by the Code of Discipline and to make good the production losses.

Land for Bhatinda Cantonment in Punjab

4963. SHRI B. S. BHAURA: Will the Minister of DEFENCE be pleased to state:

(a) how much land has been acquired for the Bhatinda Cantonment in Punjab; and

(b) the compensation paid to the land owners so far?

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B PATNAIK): (a). No land has been acquired so far for the Bhatinda Cantonment.

(b) Does not arise

Bi-lateral talks with Pakistan on Pak overflights

4964. SHRI R V. SWAMINATHAN.
SHRI PRABHUDAS PATEL:

Will the Minister of EXTERNAL AFFAIRS be pleased to refer to the reply given to Unstarred Question No. 627 on the 26th July, 1973 regarding the Pak decision to move I.C.A.O. against the Indian ban on Pak overflights and state when talks are proposed to be held with Pakistan on the question of Pakistani planes flying over the Indian territory?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): No date has so far been fixed for holding bilateral talks between India and Pakistan on the overflights issue.

U.N. Economic and Social Council's Plan to assist Developing Countries

4965. SHRI B. S. BHAURA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether U.N. Economic and Social Council has a plan to assist developing countries in natural exploration of their coastal areas and resources;

(b) if so, the broad outlines thereof; and

(c) whether India has sought any such assistance?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH). (a) and (b). During its 49th session in 1970, the U.N. Economic and Social Council requested the Secretary General of the United Nations to provide a background review of the overall question of marine science and technology including marine cooperation and coastal development with special reference to trends in the various traditional uses of the seas such as fisheries, shipping, mineral exploitation, the foreseeable new uses, the likely effect of these uses as well as of other technical advances on the marine environment and the conflict between technical uses that may be foreseen.

In a series of reports presented by the Secretary General, it was suggested that devloping countris might benefit greatly from the adoption of a new comprehensive approach in marine and coastal development. In the initial stages, the Secretary General suggested that the U.N. in cooperation with Specialised Agencies might initiate a system of identification and review to determine the potentials of, and problems in, development of marine cooperation and development of coastal areas especially in developing countries

The Economic and Social Council, at its 55th Session held in July-August, 1973, considered the subject again and adopted a Resolution which requested the Secretary General to undertake a comprehensive inter-disciplinary study to identify and review the problems of coastal area development and to report to the Council at its 59th Session in 1975.

(c) Since the proposals for the study of marine and coastal development, especially in developing countries, are still under preliminary stages of consideration by the U.N., the question of India seeking any assistance at this stage does not arise.

Supply and movement of coal

4966. SHRI R. V. SWAMINATHAN:
SHRI P. M. MEHTA:

Will the Minister of STEEL AND MINES be pleased to state:

(a) whether attention of Government has been drawn to the report in the *Times of India* (Ahmedabad Edition) dated 27th May, 1973 captioned 'Improvement likely in coal supply';

(b) if so, the present position regarding the movement of coal;

(c) whether the production in Bengal area, particularly in the Asansol coalfields, has been severly hit because of the power cuts resulting in an estimated loss of 13,000 tonnes a day; and

(d) if so, the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA) (a) Yes, Sir.

(b) The present position regarding the movement of coal is not entirely satisfactory. However, the Railways and the coal producing organisations are taking a number of steps to augment movement of coal and these are expected to improve the situation progressively everywhere in the country. The Government have also recently constituted a high level committee to look into the problems of coal transport and distribution to ensure regular supplies to the various consumers.

(c) and (d). It is true that production of coal in Bengal area has been adversely affected in recent months on account of irregularity and short-falls in the supply of power to the collieries.

As a result of high priority now accorded to the supply of power to the coal mines and washeries the position has shown improvement.

P.O.Ws. killed in Allahabad Camp

4967. SHRI R. V. SWAMINATHAN:
SHRI PRABHUDAS PATEL:

Will the Minister of DEFENCE be pleased to state:

(a) whether two Prisoners of War of Pakistan were shot dead on the 6th August, 1973 in Allahabad in U.P.;

(b) if so, the facts of the incident; and

(c) the action taken by Government?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) to (c). On 5th August, 1973, in a Prisoners of War Camp at Allahabad, an attempt to break-out of the Camp enmasse was made by the Prisoners of War. Fire was opened only when Prisoners of War paid no heed to repeated warnings by the sentries. Two Prisoners of War got killed and 4 were injured. The incident was reported to the International Committee of Red Cross. Adequate security measures already exist in all the Prisoners of War Camps to foil any attempt to escape by a prisoner of war.

पाकिस्तान द्वारा सीमा का उल्लंघन किये जाने के कारण भारत को हुई हानि

4968. श्री घनश्याह प्रधान :
श्री श्रीकिशन मोदी :

क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) 1971 के भारत पाक युद्ध के पश्चात् पाकिस्तान द्वारा कितनी बार सीमा का उल्लंघन किया गया और इसके परिणाम-स्वरूप हमारे देश को कितनी हानि उठानी पड़ी , और

(ख) क्या हमारे क्षेत्र के किसी भाग पर पाकिस्तान द्वारा अधिकार किया गया है और यदि हां, तो उसका ब्यौरा क्या है और उसके प्रति सरकार की क्या प्रतिक्रिया है ?

रक्षा मंत्री (श्री जगजीवन राम) : (क) 18 दिसम्बर 1971 और 24 अगस्त 1973 के बीच पाकिस्तान ने 1965 बार भूमि पर तथा 30 बार वायु सीमा का उल्लघन किया है । इन सीमा उल्लघनो के परिणाम-स्वरूप सुरक्षा सेनाओ के 242 कार्मिको की जाने गई ।

(ख) इन सीमा उल्लघनो के फल-स्वरूप पाकिस्तान ने हमारे किसी क्षेत्र पर कब्जा नही किया है ।

Expansion of Steel Plants during current year

4969. SHRI VARKEY GEORGE:
SHRI M. S. SIVASWAMY:

Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government have considered the question of expanding some of the steel plants in the country during the current year; and

(b) if so, the broad outlines of the expansion plan and the progress made in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) No, Sir. The expansion of the capacity of Bhilai Steel Plant from 2.5 million ingot tonnes to 4 million ingot tonnes and of Bokaro to 4.75 million ingot tonnes is however, proposed to be taken up in the Fifth Plan period.

(b) Does not arise.

Proposal to merge Foreign Service Wings

4970. SHRI P. A. SAMINATHAN: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government have been asked to merge Foreign Service Wings; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a). Yes, Sir.

(b). The question of merger of the different wings of the Foreign Service has been examined, but such fundamental changes in the structure of the Service have not been found feasible.

Protection of interests of Contract Labour

4971. SHRI Y. ESWARA REDDY: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) the steps taken by Government to protect the interests of contract labour; and

(b) what benefits have been conferred on them?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a). Government have enacted the Contract Labour (Regulation and Abolition) Act, 1970 and have also framed the Contract Labour Regulation and Abolition) Central Rules, 1971 thereunder to protect the interests of the contract labour. The Act and the Central Rules came into force with effect from 10th February, 1971.

(b). The Contract Labour (Regulation and Abolition) Act, 1970 regulates the employment of contract labour in certain establishments and provides for the abolition in certain circumstances. Under it. the contractor is required to provide for canteens, rest rooms, wholesome drinking water, latrines, urinals, washing facilities and first-aid facilities for contract labour employed by him. The principal employer is liable to provide for these amenities to the contract labour in case they are not provided by the contractor. The principal company is also made liable to make payment of wages to contract labour in case the contractor fails to make payment of the same. The rates of wages, holidays, hours of work and other conditions of service of the contract labour are also regulated under the Rules.

Staggering of Holidays in Bombay Textile Mills

4972. SHR Y. ESWARA REDDY: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether staggering of holidays in the Bombay Textile Mills had been strongly resented by the workers; and

(b) if so, whether Government propose to instruct the employers not to cut down the existing holidays?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) Government have noted protests by some unions against the agreement between the Millowners' Association, Bombay and the Rashtriya Mill Mazdoor Sangh regarding the introduction of 7 day-a-week scheme in the mills.

(b). Since there is no cut in the number of holidays, the question of Government issuing any instructions does not arise.

Demand and Production of Manganese

4973. SHRI Y. ESWARA REDDY: Will the Minister of STEEL AND MINES be pleased to state:

(a) the estimated demand for manganese ore at present: and

(b) the actual production of manganese at present?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a). The demand for manganese ore during 1972 has been estimated about 16 lakhs tonnes comprising about 8 lakhs tonnes for internal consumption and 8.6 lakhs tonnes for export.

(b). Production of manganese ore during 1972 was about 16 lakhs tonnes

Visakhapatnam Zinc Smelting Plant

4974. SHRI Y ESWARA REDDY: Will the Minister of STEEL AND MINES be pleased to state.

(a) the progress made in setting up the Visakhapatnam zinc smelting plant,

(b) the expenditure so far incurred on the project, and

(c) when it is expected to be completed?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA). (a) Necessary land for the construction of the Vizag Zinc Smelter has been acquired and arrangements finalised for power supply for the construction and operational phases of the project. Agreements have also been finalised with foreign consultants for technical assistance in the setting up of the project and detailed engineering taken up. Contracts have been concluded with suppliers abroad for the purchase of zinc concentrates. Construction personnel are being posted at site and tenders are being invited for commencement of earth work.

(b) An expenditure of about Rs. 74 lakhs has been incurred upto 31st March, 1973.

(c). The Smelter is scheduled to be commissioned by 1976-77.

Defence Budget of Pakistan

4975. SHRI YAMUNA PRASAD MANDAL:
SHRI SAMAR GUHA:

Will the Minister of DEFENCE be pleased to state:

(a) whether Government's attention has been drawn to the news 'Pakistan doubles defence budget'; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a). Yes, Sir.

(b). All related developments bearing on our security are taken into consideration while reviewing our defence plans.

Armed Forces Recruiting Centre in Himachal Pradesh

4976. PROF. NARAIN CHAND PARASHAR Will the Minister of DEFENCE be pleased to state:

(a) the number and names of the Recruiting Centres to the various branches and units of the Armed Forces in the State of Himachal Pradesh District-wise;

(b) whether a request has been received to open new Recruiting Centres in Himachal Pradesh; and

(c) if so, the decision of the Government on this request?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM). (a) (i) Army and Navy

Three Recruiting Offices with jurisdiction as follows:—

Recruiting Officer	*Jurisdiction*
Palampur	Districts of Lahul/Spiti, Kulu, Mandi (less Tehsil Sarkaghat), Chamba and Kangra (less Tehsil of Deragopipur).
Hamirpur	Districts of Hamirpur, Una Tehsil Deragopipur of Kangra District and Tehsil sarkaghat of Mandi Distt.
Simla	Districts of Simla, Kinnaur Mahasu, Bilaspur and Sirmur.

(ii) **Air Force**

There is no recruiting office for the Air Force, in Himachal Pradesh. The Air Force Recruiting Office at Ambala covers this area.

(b) and (c). Yes, Sir. It was decided by the Government not to open any such new Centres as there was no justification.

Reservation of Seats for Children of Defence Personnel in Technical, Medical and other professional Institution

4977. PROF NARAIN CHAND PARASHAR Will the Minister of DEFENCE be pleased to state:

(a) whether any facilities like reservation of seats are available to the children of the serving Defence personnel, who have no permanent stationing and have often to go to the field, in the Technical, Medical and other professional Institutions;

(b) if so, the nature of the facilities available; and

(c) if not, whether Government would consider the desirability of providing these facilities?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) to (c). Education is a State subject and facilities like reservation etc to children of Defence Services personnel can only be given by the State Governments The State Governments who were imposing domiciliary restrictions in one form or other for admission to Technical Institutions and Universities, were, however, requested by the Central Government to waive these restrictions for children of Central Government employees including Defence personnel so that they may not be subect to any disability on account of domiciliary restrictions. The response from the State Governments to this request has been by and large encouraging. Some State Governments have even made reservation for children of Defenc personnel in Technical Institutions under them.

2. So far as Central Government is concerned, a certain number of seats in Medical and Dental Colleges were being reserved and allotted to wards of Defence personnel/ex-servicemen upto 1972. From 1973 onwards, these seats have been allocated to wards of deceased/disabled servicemen.

Service benefits available to employees of Societies and Associations registered under the Societies Registration Act, 1860

4978 PROF. NARAIN CHAND PARASHAR: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether the employees working in the Societies and Associations registered under the Societies Registration Act of 1860 are assured of service benefits like Provident Fund, Casual Leave, Regular increment; and

(b) if so, the broad outlines of the aforesaid benefits available to them?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) and (b). The required information is being collected and will be laid on the Table of the Sabha in due course.

Memorandum to Prime Minister regarding problems of Class 'B' Foreign Service Officers

4979 SHRI R. V. SWAMINATHAN: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Staff Co-ordination and Steering Committee of the External Affairs Ministry has sent a memorandum to the Prime Minister demanding *de novo* examination of the problems of the Class 'B' Foreign Service Officers of the Ministry; and

(b) if so, Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a). Yes, Sir.

(b). A Starred Question on the same subject was addressed to the Prime Minister and was answered in this House yesterday.

The Pillai Committee went into the problems of IFS(A) and IFS(B) in 1966 and the Third Pay Commission have again gone into the service conditions of the Central Government employees including those belonging to IFS(B) this year. The Commission's recommendations are under examination separately.

Foreign Order Placed with Bokaro Steel Plant for Export of 50,000 tonnes of Pig Iron

4980. SHRI RAJDEO SINGH: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the Bokaro Steel Plant has received another order for the export of 50,000 tonnes of pig-iron for export to some Eastern Country; and

(b) if so, the name of the country?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) During the current financial year, orders for supply of 190,000 tonnes of Pig-iron from Bokaro Steel Limited have been booked.

(b). The countries are Japan, Taiwan, Singapore, Philippines and South Korea.

Setting up of a Special Metals and Supper Alloy Plant at Hyderabad

4981. SHRI RAJDEO SINGH: Will the Minister of DEFENCE be pleased to state:

(a) whether a Special Metals and Supper Alloy plant is to be set up at Hyderabad; if so, by when it is expected to come up to the production stage;

(b) whether the new plant will meet the full requirements for aeronautics, electronics, rockets and missile industries in the country;

(c) whether these special metal and super alloy have some special properties; and if so, the facts thereof; and

(d) which are the other countries in the World producing these metals and alloy?

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA): (a). Yes, Sir. The plant is expected to commence trial production within five years.

(b). In respect of the alloys included in the production programme of the proposed plant, it is expected that full requirements of the aeronautics, electronics and other industries in the country would be met.

(c). These alloys are characterised by special properties such as high strength at elevated temperatures, corrosion resistance, controlled expansion at different temperatures, special magnetic properties, etc.

(d). Certain advanced nations such as United States of America, United Kingdom, USSR, France, West Germany and Japan produce these special metals and alloys.

Agreement of Heavy Electricals Bhopal with G.E.C., U.S.A. for Manufacture of High Voltage Capacitor

4982. SHRI RAJDEO SINGH: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether an agreement for the manufacture of a new type of High voltage capacitor using Polyolefene (Plastic film) has been signed by the Heavy Electricals (India) Limited, Bhopal with General Electric Company of U.S.A;

(b) whether before the signing of this agreement, the Heavy Electricals Bhopal was producing or manufacturing high voltage capacitors with these tissue papers; and

(c) if so, the broad outlines of the difference between the two types of capacitors?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a). Yes, Sir.

(b). Yes, Sir.

(c). The new type of capacitor gives better performance, and is also more handy and more compact for the same output.

E.P.F. Case of National Engineering Works, Dumka, Bihar

4983. SHRI R. P. YADAV: Will the Minister of LABOUR AND REHABILITATION be pleased to state·

(a) whether the Court commented adversely on the conduct of some of the Officers of he Employees Provident Fund Organisation in the case of M/s. National Engineering Works, Dumka, Bihar; and

(b) if so, the action taken against the Officers concerned?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): The Provident Fund Authorities have reported as under:—

(a) Yes.

(b) An explanation has been called from the concerned Officer and it is under examination.

Departmental Promotions of Assistant Provident Commissioner Grade I

4984. SHRI R. P. YADAV:
SHRI ISHWAR CHAUDHRY:

Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether Departmental appointment of Assistant Provident Fund Commissioner (Grade I) were to be made by promotion from the cadre of Assistant Provident Fund Commissioner Grade II, Provident Fund Inspector Grade I and Accounts Officer in the E.P.F. organisation on the combined seniority basis;

(b) whether by Notification No. 18(29)/69-PE-I dated 1st November, 1971 another system of promotion on rotational basis was evolved with the result that an Accounts Officer with two years of service became eligible to promotion against the interests of Provident Fund Inspector (Grade I) with 10 years of service; and

(c) if so, whether in view of this Government propose to intervene to redress the grievances of the Provident Fund Inspectors (Grade I)?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): The Provident Fund authorities have reported as under:—

(a) No. According to the Employees' Provident Fund Organisation (Commissioners) Recruitment Rules, 1966, as they stood originally, departmental promotions to the post of Assistant Provident Fund Commissioner (Gr. I) were to be made from three cadres of (i) Assistant Provident Fund Commissioner (Gr. II), (ii) Provident Fund Inspector (Gr. I) and (iii) Accounts Officer, with two years' service in the grade, on the basis of selection and not on combined seniority basis.

(b) and (c). Under the notification No. 18(29)/69-PF-I dated the 1st November, 1971 also, while the system of considering the three categories of officers on the basis of two years' service in the grade has been kept unchanged, in accordance with the prevailing procedure, a rotational principle has been laid down for selection of officers from the three grades, as indicated in reply to unstarred Question No. 9028, dated the 3rd May, 1973. So far no case has arisen wherein an Accounts Officer with two years' service has been promoted to the post of Assistant Provident Fund Commissioner (Grade I) against the interest of a Provident Fund Inspector with 10 years' service.

Representation of Officials from Bihar in the staff of Bokaro Steel Plant

4985. SHRI CHANDRA SHEKHAR SINGH: Will the Minister of STEEL AND MINES be pleased to state:

(a) the total number of persons recruited for the Bokaro Steel, till date and how many more to be recruited to complete the full complement of its work-force;

(b) the number of officials and non-officials taken from Bihar and the percentage thereof to the total, category-wise and officer-wise;

(c) whether top men in Bokaro Steel are not being taken from Bihar, and

(d) if so, the number of officers working there, State-wise?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) As on July 31, 1973 the total number of employees on the rolls of Bokaro Steel Ltd., were 25,889 comprising 12,928 for departmental construction work, 5693 in service and administrative departments and 7,268 for operation and maintenance jobs As per recommendations made by the Administrative Staff College, Hyderabad a total of 21,350 employees will be required for operation and maintenance alone of Stage I of the Plant These recommendations are currently under examination.

(b) to (d) Bokaro Steel Ltd. are not maintaining any statistics of employment of persons state-wise. However, the Company is generally following the recuitment procedure prescribed by the Government of India for the Public Sector Undertakings.

Idle Capacity in Machine Tools Industry

4986. SHRI DHARAMRAO AFZALPURKAR: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether there is an idle capacity in the machine tools industry; and

(b) if so, to what extent and the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) The extent of capacity utilisation in Machine Tool Industry at present is 63.5 per cent

(b) The industry recorded a steep fall in production during the years 1967 and 1968 mainly due to recession in the Engineering Industries Production has gradually started picking up and it is expected that capacity utilisation to the extent of 75 per cent will be possible in the next two years. In an industry of this type, production level at 80 per cent of rated capacity is considered to be optimum.

Appointment of S.C. & S.T. Candidates in Hindustan Steel Plant, Rourkela, against Reserved Quota

4987. SHRI GIRIDHAR GOMANGO: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the provision of reserved quota for S.C. and S.T at the time of selecting candidates for appointment in the Hindustan Steel Plant, Rourkela was strictly observed by the authority concerned; and

(b) if so, the number of Scheduled Castes and Scheduled Tribes candidates, who appeared in the interview during 1970-73 for Class I, Class II, Class III and Class IV posts and how many of them got appointment?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) The recruitment of candidates for appointment in the steel plant at Rourkela is done keeping in view the directives issued by the Government of India in respect of reservation of quotas for Scheduled Castes and Scheduled Tribes subject to the availability of suitable candidates.

(b) The position in respect of candidates belonging to Scheduled Castes/ Scheduled Tribes who were interviewed/

appointed from 1971 to 16th August, 1973 is given below:—

	Candidates who were interviewed			Candidates who were appointed		
	1971	1972	1973 (upto 6-8-73)*	1971	1972	1973 upto [illegible]
Class I	Nil	3	Nil	Nil	Nil	Nil
Class II	Nil	1	Nil	Nil	1	Nil
Class III	65	117	77	30	57	14
Class IV	16	223	1268	16	96	549

*Figures for the year 1973 include cases cases where offers of appointment have been issued, but the candidates are yet to join

Information pertaining to the year 1970 is being collected, and will be placed on the Table of the House.

Employment to persons displaced on account of setting up of Rourkela Steel Plant

4988. SHRI GIRIDHAR GOMANGO. Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the persons displaced on account of the setting up of Rourkela Steel Plant have got employment in the plant; and

(b) if so, the number thereof in different posts?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). A total number of 3,219 persons displaced by the setting up of the plant have been employed in the plant as on 31st July, 1973. Information regarding the number in different posts will be collected and laid on the Table of the House.

Rehabilitation of Tribals in Dandakaranya

4989. SHRI GIRIDHAR GOMANGO: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether there is any proposal to settle the refugees at Dandakaranya of Koraput District of Orissa in the near future;

(b) if so, whether the displaced tribals of that area will get the same facilities as the refugees will get; and

(c) what are the new schemes and programmes to rehabilitate the tribals at the Dandakaranya of Madhya Pradesh, Andhra Pradesh and Orissa in Fifth Plan?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) to (c). 25 per cent of the land reclaimed by the Dandakaranya Development Authority out of the land released by the State Governments of Orissa and Madhya Pradesh to the Dandakaranya Project for resettlement of migrants from the erstwhile East Pakistan is given back to the State Governments, for the resettlement of tribals in consultation with those State Governments Grant of Rs. 2,850 00 to each tribal family selected for resettlement is also given by the Government of India through the State Governments.

Some land is expected to be released in Koraput District by the Orissa Government for resettlement of the displaced persons. The tribals will get their share, taking into consideration the area re-

claimed out of the land released by the Government of Orissa.

The Fifth Plan Programme of the Department has not yet been finalised.

The Dandakaranya Project does not, however, operate in Andhra Pradesh.

U.S. President's Letter to the Prime Minister of India

4990. SHRI BANAMALI PATNAIK: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the U.S. President wrote a letter to the Prime Minister which was delivered to her by the U.S Ambassador in India at Montreal;

(b) if so, the contents thereof; and

(c) the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) When our Prime Minister visited Lake Placid in New York State on a private visit during her trip to Canada, the U.S Ambassador Mr. Moynihan delivered to her a letter from the U.S. President.

(b) In his letter, President Nixon welcomed the Prime Minister's short private visit to the United States and stated that he was encouraged by the positive and realistic direction in which relations between India and the United States appeared to be moving. He also expressed the hope that this trend would continue.

(c) Government of India also hope that the efforts of the two countries to improve relations will be fruitful.

Air Force Officers joined the Directorate General of NCC, New Delhi

4991. SHRI S. M. BANERJEE: Will the Minister of DEFENCE be pleased to state:

(a) whether some of the Air Force officers joined the Directorate General of NCC at R. K. Puram, New Delhi;

(b) whether one of the Officers retired August, 1971, was re-employed on the 20th September, 1971 and granted another extension upto 20th September, 1972;

(c) whether re-employment after retirement of the same rank is against the accepted principle in the Army; and

(d) if so, why the same rule has been violated in this case and whether this has been treated as an exceptional case and if so, on what grounds?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) and (b) Yes, Sir

(c) No, Sir.

(d) Does not arise.

Classification Tribunal for Civilian Employees of Defence

4992. SHRI S. M. BANERJEE: Will the Minister of DEFENCE be pleased to state:

(a) whether a final decision has been taken to appoint a 'Classification Tribunal' for the civilian employees in Defence;

(b) if not, the reason for this abnormal delay; and

(c) when this is likely to be appointed?

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B. PATNAIK): (a) No, Sir.

(b) and (c). There has been no abnormal delay in dealing with the matter of setting up a 'Classification Tribunal' which was raised, for the first time, in October, 1972 at a meeting of the Departmental Council of the JCM of this Ministry. This question was discussed in this Council in April, 1973 when it was decided that, after further discussion of the matter between the Staff Side of the

Council and the Ministry, it may be considered at the next meeting of the Council. Meanwhile, the Pay Commission have also made a recommendation in this regard to the effect that 'expert bodies' may be set up for job evaluation over a limited sphere, particularly for industrial and fairly standarised jobs, as an experimental measure, in the industrial establishments, on selective basis. A final decision on this question can be taken only after further discussions in this Council in the light of the aforesaid developments.

Appointment of Unemployed Engineers in Public Undertakings during Fourth Plan

4993 SHRI S. M. BANERJEE: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether more unemployed Engineers are likely to be appointed in various public undertakings during the Fourth Five Year Plan;

(b) if so, the number of such engineers;

(c) whether the Indian Engineers in foreign countries have also been asked to join these public undertakings; and

(d) if so, their reaction?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

Improvement of Industrial Relations in Coal Mines

4994. SHRI C. JANARDHANAN: Will the Minister of STEEL AND MINES be pleased to state:

(a) the steps taken by the Coal Mines Authority to improve the industrial relations in the coal mines;

(b) whether as a result of these steps, there has been any improvement in the labour-management relations in the nationalised coal mines; and

(c) if so, to what extent and in what respect?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) to (c). The steps taken by Coal Mines Authority to improve labour relations include implementation of Wage Board award, increased outlay on welfare of miners and making institutional arrangements for frequent consultations with the workers. These steps have resulted in avoidance of any serious labour trouble and have generally improved labour-management relations.

राउरकेला इस्पात संयंत्र की 80 करोड़ रुपये की विस्तार योजना

4995. **श्री महा दीपक सिंह शाक्य :** क्या इस्पात और खान मन्त्री यह बताने की कृपा करेंगे कि क्या सरकार ने राउरकेला इस्पात संयंत्र के विस्तार के लिये 80 करोड़ रुपये की योजना बनाई है ?

इस्पात और खान मंत्रालय में उप मंत्री (श्री सुबोध हंसदा) : जी नहीं ।

Complaints from Foreign Service Officers against Deployment of Retired Civil Servants on Diplomatic Assignment

4996 SHRI P. G. MAVALANKAR: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(b) whether Government have received complaints from the Foreign Service Officers against the increasing tendency of rewarding retired civil servants with plum diplomatic assignments;

(b) the number of Grade I posts of Heads of our diplomatic Missions abroad which are held at present by retired officials; and

(c) whether certain proportion of these top jobs are traditionally filled with public men of proved eminence in national life and if so, the names of such persons so appointed during the current year?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a). No, Sir.

(b). Eight.

(c) Yes, Sir, The following public men have been appointed as Ambassadors/ High Commissioners during the current year:—

1 Late Shri Gurnam Singh Grewal

2 Shri P. S. Naskar

3 Shri Zahir Ahmad

4. Shri J. B. Muthyal Rao

5. Shri S. E H. Rizvi

Production Loss suferred by H.S.L. during 1971-72 and 1972-73

4997. SHRI AMAR NATH CHAWLA: Will the Minister of STEEL AND MINES be pleased to state:

(a) the production loss suffered by the Hindustan Steel Limited during 1971-72 1973;

(b) whether H.S.L. has suffered a production loss of Rs 3.6 crore in June, 1973;

(c) the reasons for such heavy loss; and

(d) the steps proposed to be taken to check such losses?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA) (a) The following table indicates the targets of production in terms of ingot steel in respect of the Bhilai, Durgapur and Rourkela Steel Plants and the Alloy Steels Plant at Durgapur for the year 1971-72 and 1972-73, actual production during these two years and the shortfalls in production.—

(In thousand tonnes)

Plant	Target	Actuals	Shortfalls
Bhilai Steel Plant			
1971-72	2200	1953	247
1972-73	2250	2108	142
Durgapur Steel Plant			
1971-72	1150	700	450
1972-73	1000	723	277
Rourkela Steel Plant			
1971-72	1400	823	577
1972-7	1250	1177	73
Alloy Steels Plant, Durgapur			
1971-72	90·7	56·2	34·5
1972-73	78·0	60·6	17·4

(b) Yes, Sir. This, however, relates only to the production lost on account of power shortage at Rourkela and Durgapur Steel Plants and the Alloy Steels Plant at Durgapur.

(c) The shortfall in production at Bhilai in 1971-72 was mainly due to a major break-down in some of the coke oven batteries in May, 1971, resulting in shortage of coke for the blast furnaces and inadequate availability of gas for the steel melting shop and the mills. In 1972-73, production was affected in the first quarter on account of big absenteeism among key categories of employees in some of the production departments due to severe summer conditions. Inadequate availability of good quality stopper sleeves and shortage of mould trains till about September, 1972, unsatisfactory quality of refactories leading to inadequate furnace availability and irregular supply of medium coking coal since September, 1972, were the other constraints in this plant.

Disturbed industrial relations affected production in most of the units in the Durgapur Steel Plant in 1971-72. In 1972-73 also, the industrial relations situation continued to be far from satisfactory. D.V.C. power restrictions and under frequency, equipment troubles, especially in the coke oven area, the short supply of coke oven gas were the other factors which affected production adversely.

The collapse of the roof structure of L.D. Section of the steel melting shop of the Rourkela Steel Plant which occurred on the 11th July, 1971, affected the entire operation of the plant for a number of months in 1971-72. An additional constraint was the poor performance of the coke oven batteries in general which resulted in a reduction in the supply of coke and gas. In 1972-73, production suffered on account of occasional power failures and frequent power restrictions from the Orissa State Electricity Board, certain equipment troubles in the first half of the year, heavy capital repair work in the first quarter of the year and occasional labour troubles in certain important departments.

Disturbed industrial relations as well as poor and irregular availability of gas from Durgapur Steel Plant contributed to shortfalls in production at the Alloy Steels Plant in 1971-72. In 1972-73, production was affected on account of unfavourable labour situation D V C power restrictions equipment break downs and shortage of coke oven gas from Durgapur Steel Plant.

During the current financial year, production has been affected in all the plants mainly on account of power shortage resulting in a severe curtailment of coking coal mining operations and the working of the coal washeries which, in turn, affected the availability of adequate supplies of coal to the steel plants. The inadequate supply of coal led to inadequate availability of coke oven gas for rolling. Fall in the frequency of power supply and cuts/interruptions in power supply further affected the rolling of steel in the Rourkela and Durgapur Steel Plants and the Alloy Steels Plant.

(d) During the last two years, a number of remedial measures have been taken to overcome the various shortcomings and impediments standing in the way of improved production. Briefly these include: specialised repairs of coke ovens, use of alternative fuels to supplement gas availability, oil firing in certain furnaces to augment fuel resources, improved maintenance aimed at better equipment availability, speeding up of capital programmes required to current existing imbalances in production facilities and planned procurement of spares, refractories and other essential materials. A three-tier joint consultative machinery has been set up at Durgapur for speedy settlement of industrial disputes and grievances and to enlist the cooperation of the workers in maximising production A new rewards scheme has introduced in the Rourkela Steel Plant to provide an additional incentive for increasing production progressively

Government have since set up the Steel Authority of India Limited, the Holding Company for steel and associated input industries, which was incorporated on the 24th January, 1973. The setting up of this Company should also help considerably in maximising production of steel through effective supervision and coordination, provision of specialised advisory services and vertical integration and coordination of the other sectors intimately connected with the steel industry in the role of major suppliers of inputs such as coking coal, iron ore, manganese etc

As regards power shortage in the counrent financial year, the concerned State Governments and the authorities of the D.V.C. have been specifically requested to ensure the highest priority for power supply to the steel plants, collieries and the coal washeries.

Reinstatement of victimised workers of Telco and Tube Company, Jamshedpur

4998. SHRI BHOGENDRA JHA: Will the Minister of LABOUR AND REHABILITATION be pleased to refer to the reply given to Starred Question No. 179 on 2nd August, 1973 and state in view of the categorical assurance given on the radio, in the House and through the Press by the then Labour Minister of the Union Government, the steps the Central Government are taking to ensure reinstatement of the victimised employees or to ensure their employment in some public sector undertaking?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): The matter had been taken up with the State Government, According to their report dated August 2, 1973, efforts are being made by them to have the matter resolved through high level discussions with the parties and an out-of-court settlement.

Workers participation in management in Coal Mines

4999. SHRI BHOGENDRA JHA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether any steps have been taken to actively associate the workers in the management of the Coal Mines; and

(b) if so, what is the progress achieved in this respect?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA). (a) and (b). It has always been the endeavour of the Government to ensure workers' cooperation in the implementation of production programmes and other aspects of management of its Undertakings at various levels The cooperation of the workers is sought to be achieved by progressively increasing their participation in the management by consulting them at different levels and having their representatives on various Committees and Councils and on the Board of Directors, wherever possible.

This general policy of the Government is also being followed in the management of the nationalised coal industry. It may be mentioned that the Board of Directors of the newly-formed Coal Mines Authority Ltd. includes a prominent labour leader.

Safety measures in Coal Mines after their Nationalisation

5000. SHRI BHOGENDRA JHA: Will the Minister of LABOUR AND REHABILITATION be pleased to state the steps taken to improve safety measures in coal mines since nationalisation of the coal industry?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): The information is being collected and will be laid on the Table of the Sabha.

Lignite and Bauxite found in Kutch

5001. DR. MAHIPATRAY MEHTA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether a huge quantity of lignite and bauxite is found in the District of Kutch (Gujarat); and

(b) if so, whether Government have any proposals for the utilisation of these minerals?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a). Lignite deposits have been located at Umarsar, Matanomadh, Lefri, Julrai, Vaghapadar, Panandhro, Akhrimota, Dhedadi and Mandvi areas. Out of these deposits, Geological Survey of India carried out exploration by drilling in only Umarsar area, where a reserve of 10.7 million tonnes of Lignite has been estimated. In addition, Government of Gujarat have estimated 123.7 million tonnes of Lignite in Panandhro, Akhrimota and Matanomadh, Lefri areas.

Preliminary investigation for bauxite carried out by Geological Survey of India in Kutch was followed by detailed exploration by State Government of Gujarat, who have estimated a total reserve of 37.15 million tonnes of bauxite with Alumina content varying between 44.45 per cent and 56.88 per cent.

(b). Proposals for optimum utilisation of these minerals is under consideration of the State Government of Gujarat.

Assessment of production capacity of non-captive Iron Ore Mines in Banaspani Sector Orissa

5002. SHRI ARJUN SETHI: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether there has been any assessment of the production capacity of the non-captive iron ore mines in Banaspani sector, comprising Keonjhar and Sundergarh District of Orissa by the Indian Bureau of Mines or any other agency of Government;

(b) if so, the total reserves of iron ore available in such mines and how long the production at optimum rate can be sustained; and

(c) the approximate investment required to achieve such production capacity?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a). There are about 150 private non-captive iron ore mines in the Singhbhum district of Bihar and the Keonjhar and Sundergarh district of Orissa. Out of these 150 mines, 13 mines accounted for about 70 per cent of the total production. These 13 mines were studied by the Indian Bureau of Mines in 1972 for an assessment of their potential production capacity on the basis of the state of development then existing in the respective mines. Out of these 13 mines, 6 mines are in Singhbhum district of Bihar and 7 mines in Keonjhar district of Orissa.

(b). Detailed exploration for the purpose of estimation of iron ore reserves has not been carried out in most of the private sector non-captive mines of Keonjhar and Sundergarh districts of Orissa. However, the inferred reserves assessed by the I.B.M. based on the examination of surface geological evidences in the 7 mines of Keon-

jhar district covered during the productivity study was of the order of 315 million tonnes. The inferred reserves of other private non-captive mines in these districts as per mineral inventor prepared by the Indian Bureau of Mines and Geological Survey of India in 1971 were of the order of 200 million tonnes.

The periods for which the above reserves will sustain production at the assessed rates are as follows:—

(a) 7 private sector non-captive mines in Keonjhar district could sustain production for a period of about 35 years of the assessed rate of production of 9 million tonnes per year of run-of-mine ore yielding 4.5 million tonnes of lump ore.

(b) Other private non-captive mines in Keonjhar and Sundergarh districts couki sustain production for a period of about 100 years at the expected rate of production of about 2 million tonnes per year yielding 1 million tonne of lump ore.

(c) No assessment has been made for the additional investment, if any, required to achieve such production capacity.

Use of Desalination Plant developed at Jodhpur

5003. SHRI JAGANNATH MISHRA: Will the Minister of DEFENCE be pleased to state:

(a) whether Desalination plant developed by the CSMRI and Defence Research Laboratory at Jodhpur has ever been used commercially;

(b) if so, where and at what cost; and

(c) how it is comparable to other desalination methods in terms of cost?

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA): (a) to (c). The CSMCRI, Bhavnagar, (Central Salt and Marine Chemicals Research Institute of the Council of Scientific and Industrial Research) developed desalination plants based on Electrodialysis and Reverse Osmosis methods, while the Defence Laboratory, Jodhpur, has so far developed a plant based on Electrodialysis. The technical know-how of the CSMCRI Electrodialysis plant was passed on to Messrs Industrial and Agricultural Engineering Company Private Limited, Bombay, for commercial exploitation. The cost of the CSMCRI plant, with a production capacity of 10,000 litres per 8 hours, exclusive of generator, rectifier, electrical panel and cabling, is approximately Rs. 1,86,000. CSIR is taking steps to pass on the know-how of the Reverse Osmosis plant for commercial exploitation.

The Electrodilysis plant with 10,000 litres per eight hours capacity developed by Defence Laboratory, Jodhpur, has not yet been commercially exploited as it is undergoing trials by the Army. This is estimated to cost about Rs. 1,00,000, exclusive of generator, rectifier, electrical panel and cabling. However, three units of the plant, two with capacity 1200 litres per 24 hours and one with capacity 4500 litres per 24 hours, have been purchased by the border Security Force who have found their performance satisfactory.

A comparative trial of the Electrodialysis plants developed by CSMCRI and Defence Laboratory, Jodhpur, is being arranged, mainly to determine their efficiencies and the Total Dissolved Solids present in the desalinated waters.

Defence Laboratory, Jodhpur, is also developing a desalination plant based on the Reverse Osmosis method. Development of a plant based on this method is technically more complex than development of an Electrodialysis plant, although the Reverse Osmosis plant would ultimately be cheaper than the Electrodialysis plant.

Re-drawing of Labour Policy

5004. SHRI JAGANNATH MISHRA: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether there is any proposal under the consideration of Government to re-draw the labour policy in view of the changed conditions in the country;

(b) if so, the salient features thereof; and

(c) when a final decision in the matter is likely to be taken by Government?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) to (c): The various labour laws have been amended from time to time in conformity with the changing requirements of socio-economic policy and the needs of economic development and growth. The Government of India appointed the National Commission on Labour to re-review, *inter-alia*, the changes in conditions of labour since Independence and the existing legislation and other provisions intended to protect the interests of labour and to make recommendations thereon. The recommendations of the Commission are being examined and necessary action is being taken to implement these accepted by Government. Government propose to bring forward a comprehensive Industrial Relations Bill as early as possible.

Gap between total capacity and actual production of Steel during 1971-72 and 1972-73

5005. SHRI VEKARIA:

SHRI D. P. JADEJA:

Will the inister of STEEL AND MINES be pleased to state:

(a) the gap between the total capacity and actual production of steel in the country during the years 1971-72 and 1972-73;

(b) the reasons of shortfall; and

(c) what steps are being taken to reach capacity production of steel?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) Production of Saleable steel in the five main steel plants put-together formed 67 per cent and 71 per cent of the capacity in 1971-72 and 1972-73 respectively.

(b). **Factors affecting Production:**

H.S.L. Plants:—

The lower utilization of capacity during the last two years in H.S.L. Plants (Bhilai, Durgapur & Rourkela) was due to a variety of reasons different from plant to Plant and often from year to year. Broadly speaking, the main factors were the unsatisfactory working of coke oven batteries, back log of maintenance, equipment troubles and break-downs, inadequate availability of refractories of the required quality, collapse in the steel melting shop roof in Rourkela Steel Plant in July 1971, disturbed industrial relations and power failures and restrictions.

TISCO—

Production was satisfactory.

IISCO—

The fall in production was mainly due to the unsatisfactory technical health of the Plant caused by:—

(a) Poor maintenance both preventive and operational of the Plant and machinery over the years;

(b) neglect of rehabilitation programme in the past; and

(c) inadequate arrangements for supply of spares and other material needed for replacement.

(c) Steps taken to step up production:

During the last two years, a number of remedial measures have been taken to overcome the various short-coming and impediments in the way of improved production. As far as the plants under Hindustan Steel Limited are concerned these include specialised repairs of coke ovens,

use of alternative fuels to supplement gas availability, oil firing in certain furnaces to augment fuel resources, improved maintenance aimed at better equipment availability, speeding up of capital programmes required to correct existing imablances in production facilities and planned procurement of spares, refractories and other essential materials. The Bhilai Steel Plant is putting up an additional coke oven battery and Rourkela and Durgapur Steel Plants half a battery each. The Action Committee of the Planning Commission has made a number of recommendations regarding additions and balancing facilities in the Bhilai and Rourela Steel Plants which the Plants have taken up for implementation. The Committee is now looking into the working of the Durgapur Steel Plant. A three-tier joint consultative machinery has been set up at Durgapur for speedy settlement of industrial disputes and grievances and to enlist the cooperation of the workers in maximising production. A new rewards scheme has been introduced in the Rourkela Steel Plant to provide an additional incentive for increasing production progressively.

Since the take-over of the management of Indian Iron and Steel Company Limited by Government on July 14, 1972, a number of steps have been taken to solve its immediate problems and increase production. These include the supply of coke and coal tar, emergency repairs to coke ovens, procurement of material handling equipment and repairs and replacements of cranes and other equipment in the Steel Melting Shop. A Plant Rehabilitation Scheme has been drawn up to restore the technical health of the plant and to enable it to produce one million tonnes of ingots. This Scheme is under implementation.

Tata Iron and Steel Company Limited are implementing a replacement programme for the old coke ovens which, on completion, should ensure adequate coke supplies, special efforts are being made to strengthen maintenance.

Government have since set up the Steel Authority of India Limited, the Holding Company for steel and associated input industries, which was incorporated on the 24th January, 1973. The setting up of this Company should also help considerably in maximising production of steel through effective supervision and coordination, provision of specialised advisory services and vertical integration and coordination of the other sectors intimately connected with the steel industry in the role of major suppliers of inputs such as coking coal, iron ore, manganese, etc.

However, by the very nature of the operations involved in an integrated steel plant, the full impact of all these measures will be felt only gradually and over a period of time. The increase in production in the Hindustan Steel Limited, plant last year is a pointer to what can be done.

Marketing Organisation for Sale of Triple Super Phosphate produced in Khetri. Project

5006. SHRI NAWAL KISHORE SHARMA: Will the Minister of STEEL AND MINES be pleased to state·

(a) whether any Marketing Organisation for the sale of Triple Super Phosphate produced by Khetri Project has been established; and

(b) if so, the number of Officers appointed in the marketing organisation?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA) (a) Yes, Sir.

(b) The number of officers appointed for the Marketing Organisation is 15.

Sale of Jeeps to All India Rural Youth Congress

5007. SHRI PANNA LAL BARUPAL: Will the Minister of DEFENCE be pleased to state:

(a) whether complaint of the illegal sale of two jeeps granted from the Disposal Depot, Delhi to the All India Rural Youth Congress have been received by the Ministry; and

(b) if so, what action has been taken in the matter and what is the amount of premium at which above jeeps have been re-sold?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) Yes, Sir.

(b) The matter has been referred to the Delhi Administration for investigation. The results are still awaited.

Import of Copper to meet Internal Demands

5008. SHRI RANABAHADUR SINGH. Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Copper production has increased during the last three years;

(b) the quantity of copper which is being imported to meet the internal demands and the foreign exchange being spent for the purpose; and

(c) whether Government have chalked out any plan to make the country self-sufficient in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a). Yes, Sir. The production of copper during last 3 years was as follows:—

Quantity in tonnes

1970-71	1971-72	1972-73
9576	8405	12596

(b) The import of copper and the foreign exchange spent thereon during the last 3 years is as follows:—

Year	Quantity in tonnes	Value in lakhs
		Rs.
1970-71	68787	6020
1971-72	56137	5118
1972-73 (upto Dec. 72)	41000	3682

(c) Khetri Copper Project, the main Project with Hindustan Copper Ltd., a Government of India Undertaking, will be commissioned in 1974. Besides this, HCL is taking up a number of new schemes during the 5th Plan period for increasing production capacity for copper The capacity at the end of the 5th Plan is likely to be 57000 tonnes against the present production of about 13000 tonnes;

Shortfalls in production scheduled of Copper Ore and Metal

5009 SHRI RANABAHADUR SINGH. Will the Minister of STEEL AND MINES be pleased to state:

(a) whether after the take-over, there have been serious short falls in the production schedules of both copper ore and metal; and

(b) if so, the broad outlines thereof with reasons and what steps Government propose to take in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) No, Sir. The Management of the Undertaking of M/s. Indian Copper Corporation was taken over w.e.f. 10th March, 1972. During the period April, 1971 to March, 1972 when the Undertaking was under Private Management, the total quantity of ore milled and blister copper produced was 6,32,419 tonnes and 8,405 tonnes respectively. As against this, the quantity of ore milled and blister copper produced during the year April, 1972 to March, 1973 was 7,39,580 tonnes and 12,596 tonnes respectively. The trend of increased production is expected to be maintained during 1973-74 also.

(b) Does not arise.

Alleged appointment in Technical and non-technical posts in Bokaro Steel Plant on caste consideration

5010. SHRI SUKHDEO PRASAD VERMA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether appointments for technical and non-technical posts in Bokaro Steel Plant are being made on caste consideration;

(b) if so, whether Government propose to appoint High-Level Committee to look into the matter; and

(c) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) No, Sir.

(b) and (c). Do not arise.

Posts Reserved for Scheduled Castes and Scheduled Tribes in Bokaro Steel Plant

5011. SHRI SUKHDEO PRASAD VERMA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether posts reserved for the Scheduled Castes and Scheduled Tribes in Bokaro Steel Plant are not filled up as per the quota reserved for them;

(b) if so, the reasons therefor; and

(c) the number of Scheduled Castes and Scheduled Tribes gazetted and non-gazetted Staff working in the steel plant as on 1st July, 1972?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). All possible efforts are made to fill up posts reserved for Scheduled Castes and Scheduled Tribes according to the quotas reserved for them subject to the availability of suitable candidates;

(c) The position as on 1st July, 1973 was as follows:—

	Scheduled Castes	Scheduled Tribes
Managerial	1	—
Supervisory	6	7
Others	3299	1681
TOTAL	3297	1688

Method of Supply of Steel to Industrial Consumers

5012. SHRI SUKHDEO PRASAD VERMA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government are considering a proposal to do away with the present method of supplying steel to the domestic and industrial consumers; and

(b) if so, the alternative measures Government are taking to regulate the supply?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). The Seel distribution policy is being reviewed from time to time and changes are affected where desirable. There is no proposal to do away with the present method as such.

युद्ध विधवाओं और विकलांग सैनिकों को गैस एजेंसियां और निःशुल्क भूमि के आवंटन के बारे में मध्य प्रदेश से शिकायतें

5013. **श्री गंगा चरण दीक्षित :** क्या रक्षा मंत्री यह बताने का कृपा करेंगे कि :

(क) क्या मध्य प्रदेश से युद्ध विधवाओं और विकलांग सैनिकों को गैस एजेंसियों और निःशुल्क भूमि का आवंटन करके उनके पुनर्वास के बारे में कोई शिकायतें प्राप्त हुई हैं ; और

(ख) यदि हां, तो यह सुनिश्चित करने के लिये क्या उपाय किए जा रहे हैं कि सुपात्र व्यक्तियों के साथ न्याय हो ?

रक्षा मंत्रालय में उप मंत्री (श्री जे० बी० पटनायक) : (क) जी नहीं श्रीमन् ।

(ख) प्रश्न नहीं उठता ।

प्रादेशिक भविष्य निधि आयुक्त, मध्य प्रदेश द्वारा कर्मचारी भविष्य निधि, अधिनियम के अन्तर्गत दायर किये गये आपराधिक मामले

5014. **श्री गंगा चरण दीक्षित** : क्या श्रम और पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या प्रादेशिक भविष्यनिधि आयुक्त, मध्य प्रदेश ने कर्मचारी भविष्य निधि अधिनियम के अन्तर्गत गत वर्ष कुछ आपराधिक मामले दायर किए थे और यदि हां, तो कितने, वे किस अवधि के संबंध में थे और किन तिथियों को दायर किए गए थे ; और

(ख) ये मामले किन किन व्यक्तियों के विरुद्ध दायर किए गए थे और उन्हें क्या दण्ड दिया गया है ?

श्रम और पुनर्वास मंत्रालय में उप मंत्री (श्री जी० वेंकट स्वामी) : (क) और (ख) भविष्य निधि प्राधिकारियों ने सूचित किया है कि सूचना इस इस समय उपलब्ध नहीं है और यह एकत्र की जा रही है । यह यथा समय सदन की मेज पर रख दी जायेगी ।

जबलपुर आयुध फैक्टरी के कर्मचारियों से डिपो के कुछ अधिकारियों के विरुद्ध प्राप्त हुआ ज्ञापन

5015. **श्री गंगा चरण दीक्षित** : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उन्हें जबलपुर (मध्य प्रदेश) आयुध कारखाने में काम करने वाले कर्मचारियों से कोई ज्ञापन प्राप्त हुआ है जिसमें डिपो के कुछ अधिकारियों के खिलाफ कुछ आरोप लगाए गए हैं ;

(ख) यदि हां, तो उसकी रूपरेखा क्या है ; और

(ग) क्या सरकार ने उस पर कोई कार्यवाही की है और यदि हां, तो उसकी रूपरेखा क्या है ?

रक्षा मंत्रालय (रक्षा उत्पादन) में राज्य मंत्री (श्री विद्याचरण शुक्ल) : (क) से (ग). आयुध कारखानों के क्लेरिकल कर्मचारियों के अखिल भारतीय संघ की ओर से सितम्बर, 1972 में एक अभ्यावेदन प्राप्त हुआ था । जिसमें जबलपुर में गन कैरिज फैक्टरी द्वारा महाप्रबन्धक द्वारा ब्राच कार्यकारी सदस्यों से अशिष्ट व्यवहार के संबंध में शिकायत की गई थी । इस मामले की जांच-पड़ताल की गई और इसे निराधार पाया गया है ।

इस बारे में कोई अन्य अभ्यावेदन प्राप्त नहीं हुआ है ।

Strike move by All India Defence Employees Federation

5016. SHRI CHIRANJIB JHA: Will the Minister of DEFENCE be pleased to state:

(a) whether the Working Committee of the All India Defence Employees Federation has called upon the Defence workers to be in readiness for strike; and

(b) if so, the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B. PATNAIK): (a) It has come to the notice of Government that the Executive Committee of the All India Defence Employees' Federation at its meeting held at Delhi on 4th and 5th August, 1973 took a decision regarding a strike by Central Go[illegible] employees, if it becomes

inevitable after exploring all peaceful and bilateral avenues.

(b) The recommendations of the Third Pay Commission have been under consideration of Government. In this connection the representatives of the Staff Side of the National Council of the Joint Consultative Machinery for Central Government employees, which includes the representatives of the All-India Defence Employees Federation, have already met the Group of Ministers on the 6th July, 1973; and another meeting of the representatives of the Staff Side of the Council with the Group of Ministers will be held today.

Prosecution of Shri R. L. Thirani and his Wife in London

5017. SHRI INDRAJIT GUPTA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether an Indian business executive, Shri R L. Thirani and his wife were caught in the act of shoplifting in a London departmental store about two months ago and the news appeared in the British Press;

(b) whether the couple was prosecuted and fined 250 pounds each, which was paid by them; and

(c) if so, whether the Indian High Commission was seized of the matter and has inquired as to how such a large amount of sterling was available to the Thiranis?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) Shri and Shrimati Thirani were charged in a London Magistrate's Court with shoplifting. This news appeared in the British Press.

(b) Shri Thirani was fined £ 100 plus £ 15 costs on one charge and £ 50 on the second charge. According to a London news report, Mrs. Thirani was also fined £ 25.

(c) Enquiries in this regard are in progress.

Bokaro Blast Furnace not producing as Per Rated Capacity

5018. SHRI INDRAJIT GUPTA: Will the Minister of STEEL and MINES be pleased to state:

(a) whether the Blast furnace commissioned last October at the Bokaro Steel Plant is producing about half its rated capacity due to short supply of coking coal;

(b) whether the coke oven Battery No 2 is also suffering for the same reason; and

(c) if so, whether no priority has been assigned in the allocation of coking coal supplies to the Bokaro Steel Plant and other plants?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) The rated capacity of the blast furnace is 2,640 tonnes of hot metal per day The average daily production during July was 2,141 tonnes of hot metal which is about 81 per cent of the rated capacity

(b) and (c) Although heating of the 2nd cokeoven battery at Bokaro commenced on March 6, 1973, due to inadequate supply of washed coking coal resulting from power shortage, pushing of coke has not started so far To tide over the difficulty arising from the shortage of power, action has been taken in association with the Ministry of Irrigation and Power, the Damodar Valley Corporation and State Electricity Boards concerned to step up supply of power to collieries and washeries and thereby, to improve the rate of despatch of washed coal to Bokaro

Almost the entire production of coking coal is supplied to the Steel Plants which are its principal consumers

Organising or Unorganised Labour

5019. SHRI INDRAJIT GUPTA: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) what is the total number of unorganised workers in the country;

(b) what are the main categories of such workers; and

(c) whether there is any proposal to bring such workers under some organisation so that they could be assured of minimum benefits under the existing labour enactments?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) The majority of the unorganised labour is in the Agriculture/Rural Sector of the economy. According to the 1971 Census there were 47 million agricultural labourers in the country constituting about 26 33 per cent of the total workers in the country. The National Commission on Labour which submitted its report in 1969 estimated the number of unorganised workers in the non agricultural sector to be roughly 10 millions. Besides this, there are a large number of workers other than 'employees' in the cottage and house-hold industries and handicrafts, the number of which is 11 millions according to the 1961 Census.

(b) The unorganised labour has been categorised in the following eleven categories in the Report of the National Commission on Labour:—

(i) Contractor Labour.

(ii) Construction Workers.

(iii) Casual Labour.

(iv) Workers in Small-scale Industries.

(v) Bidi Workers.

(vi) Workers in Shop and Commercial Establishments.

(vii) Sweepers and Scavengers.

(viii) Workers in Tanneries and Leather Goods Manufactures.

(ix) Tribal Labour.

(x) Labour in Cooperative Sector.

(xi) Un-protected Labour.

(c) The Trade Unions Act, 1926 and the Minimum Wages Act, 1948 are applicable to agricultural labour. Agricultural farms run on commercial lines are also covered under the Industrial Disputes Act, 1947. The Employees' Provident Fund and Family Pension Fund Act, 1952 is applicable to agricultural labour engaged in specified plantations. The Workmen's Compensation Act, 1923 is applicable to the workers employed in farming by tractors or other contrivances driven by steam or other mechanical power or by electricity. The Minimum Wages Act specially protects the interests of unorganised and sweated labour. Besides this, there are a number of other legislations on the statute book to cover certain categories of unorganised labour such as, the Contract Labour (Regulation and Abolition) Act, 1970, the Bidi and Cigar Workers (Conditions of Employment) Act, 1966, the Limestone and Dolomite Mines Labour Welfare Fund Act, etc. There are also proposals to bring new legislations for the benefit of workers in the Building and Construction Industry and the Film Industry.

Curbs imposed on travel between Bangladesh and India

5020. SHRI MUHAMMED SHERIFF: SHRI M. S. SIVASWAMY.

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether recently Bangladesh had imposed some further curbs on travel between Bangladesh and India; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) Yes, Sir. The Bangladesh Government have decided that passports will not be issued for pleasure trips. Moreover, passports will be valid for a single journey to India in a year but this restriction will not be applicable to the following categories of persons, namely: (a) Government employees requiring to go on Government duties or on leave or on delegation as determined by the Government; (b) Genuine businessmen intending to

visit India for business purposes as recommended by the Ministry concerned; (c) Students intending to go for study as recommended by the Ministry of Education and Culture; (d) Patients required to visit India for treatment as recommended by the Medical Board; and (e) Persons desirous of visiting India on humanitarian grounds.

(b) The Government of Bangladesh have prescribed these regulations governing the travel of its national abroad with a view to conserving foreign exchange and the Government of India fully appreciate the reasons for them.

Shortage of Coal in Gujarat and Dadra and Nagar Haveli

5021. SHRI RAMUBHAI PATEL: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government are aware that there is a great shortage of coal in the whole of Gujarat and also in the Union Territory of Dadra and Nagar Haveli; and

(b) if so, what special measures are being taken to supply adequate quantity of coal to the Gujarat State and the Union Territory of Dadra and Nagar Haveli?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). Owing to considerable increase in requirement of coal of power houses and Steel Plants which enjoy high priority for allotment of wagons, relatively low-priority consumers especially those who get their coal by rail, have had to face shortages of coal in the recent months all over the country. The Government is not aware of any special difficulty faced by consumers in Gujarat and the Union Territory of Dadra and Nagar Haveli.

The Railways and the coal producing organisations are taking a number of steps to augment movement of coal and these are expected to improve the situation progressively everywhere in the country. The Government have also recently constituted a high level committee to look into the problems of coal transport and distribution to ensure regular supplies to the various consumers.

Normal Process of Testing a Vehicle to be Dispensed with in Case of Car Manufactured by M/s. Maruti Ltd.

5022. SHRI H. M. PATEL: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether Messrs. Maruti Limited have approached the Ministry of Industrial Development with a request that the normal process of testing a vehicle should be dispensed with in the case of the motor car proposed to be manufactured by them and an industrial licence should be granted to them without such a test; and

(b) if so, what action, if any, the Ministry has taken in the matter?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) A request to dispense with the specific condition of test and approval of prototype by VRDE before issue of industrial licence was received.

(b) Messrs Maruti Ltd. were informed that pending approval of their prototype car by the Vehicles Research & Development Establishment, Ahmednagar, for roadworthiness, the letter of intent granted to them could not be converted into an industrial licence.

भारत द्वारा बंगला देश को वापिस भेजे गए युद्धबंदी

5023. **श्री फूल चंद वर्मा :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि भारत ने बंगला देश को कितने युद्धबंदी वापस किये हैं ?

रक्षा मंत्री (श्री जगजीवन राम) : बंगाली मूल के 58 युद्धबन्दियों को 1972 के प्रारम्भ में बंगला देश को सौंप दिये ।

गए थे। अन्य ऐसे 25 युद्धबन्दियों के मामलों का उन्हें बंगला देश को प्रत्यावर्तन के विचार से अध्ययन किया जा रहा है।

गुजरात कांग्रेस विधायक दल के चुनाव सम्बंधी मतपत्रों की गणना दिल्ली में किया जाना

5024. **श्री फूल चंद वर्मा :** क्या विदेश मंत्री यह बताने की कृपा करेंगे कि

(क) क्या गुजरात कांग्रेस विधायक दल के नेता के चुनाव से सम्बन्धित मतपत्रों की गणना दिल्ली में उनके मंत्रालय में की गई थी ; और

(ख) यदि हां, तो इसके क्या कारण हैं ?

विदेश मंत्रालय में राज्य मंत्री (श्री सुरेन्द्र पाल सिंह) : (क) और (ख) मतपत्रों की गणना साउथ ब्लाक में स्थित कार्यालय में की गई थी। मैंने यह कार्य कांग्रेस कार्य समिति के सदस्य की हैसियत से किया था। विदेश मंत्री की हैसियत से नहीं। इससे विदेश मंत्रालय का कोई ताल्लुक नहीं था।

भारत में पाकिस्तानी युद्ध बंदियों पर हुए व्यय की पाकिस्तान से वसूली

5025. **श्री फूल चंद वर्मा :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार का ध्यान 28 जुलाई, 1973 के हिन्दुस्तान (हिन्दी) में प्रकाशित पाकिस्तान के महाप्रशासनवादी श्री याहिया बख्त्यार के इस वक्तव्य की ओर दिलाया गया है कि पाकिस्तानी युद्धबन्दियों पर हुई खर्च की वसूली का दावा भारत नहीं कर सकता है ; और

(ख) यदि हां, तो सरकार की उस पर क्या प्रतिक्रिया है ?

रक्षा मंत्री (श्री जगजीवन राम) : (क) जी हां, श्रीमन्।

(ख) युद्धबन्दियों के साथ किए जाने वाले व्यवहार से सम्बन्धित तृतीय जनेवा सम्मेलन के अनुसार युद्धबन्दियों को रोकने वाली शक्ति उन युद्धबन्दियों के अनुरक्षण और उनके स्वास्थ्य के लिए आवश्यक डाक्टरी सहायता मुफ्त देने के लिए बाध्य है। लेकिन युद्धबन्दियों को दिए जाने वाले वेतन और अग्रिम का उस शक्ति की ओर से दिया गया माना जाता है, जिस पर वे निर्भर करते हैं और जिस से बाद में इनका निस्तारण में वसूल किया जाता है। पाकिस्तानी युद्धबन्दियों को दिये गये ऐसे अग्रिमों के विवरण तैयार किये जा रहे हैं और पाकिस्तान द्वारा उनका भुगतान किए जाने को सुनिश्चित करने के लिए उन्हें अन्तर्राष्ट्रीय रैड क्रास को भेजा जाएगा।

Production and Demand of Copper in next Five Years

5026. SHRI D. K. PANDA: Will the Minister of STEEL AND MINES be pleased to state:

(a) what is the estimated demand for copper at present;

(b) what is the actual production at present;

(c) what is the anticipated demand for copper in the next five years; and

(d) how do Government propose to meet the anticipated demand?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): **(a) The present demand of copper is about 80,000 tonnes per annum.**

(b) The actual indigenous production of copper in 1972-73 was 12,596 tonnes.

The actual production during January—July 1973 is 6826 tonnes.

(c) The estimated demand of copper by the end of 5th Plan period is over 100 thousand tonnes.

(d) The Hindustan Copper Ltd. have taken up a programme for substantial expansion of copper production in the country. The Company is developing Khetri Copper Complex in Rajasthan, with the Smelter and Refinery capacity of 31,000 tonnes of electrolytic copper metal per annum This project is scheduled to be commissioned by 1973-74. The Company is also developing Rakha Copper Projet in Bihar; Malanjkhand Copper Deposits in Madhya Pradesh; Agnigundala Copper Lead Project in Andhra Pradesh; Dariba and Chandmari Copper Projects in Rajasthan Steps are also being taken to increase the production at Indian Copper Complex at Ghatsila It is expected that indigenous production of copper metal would increase to about 57,000 tonnes per annum by the end of the 5th Plan period. The balance requirements will be met by imports.

Demand and production of Zinc in the Country

5027. SHRI D K PANDA: Will the Minister of STEEL AND MINES be pleased to state·

(a) the estimated demand for zinc in the country at present, and

(b) the total production at present?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA)· (a) The demand for zinc in the country for 1973-74 has been estimated at 131,000 tonnes.

(b) 22,836 tonnes of zinc was produced in the country during 1972-73 and the production during 1973-74 is estimated at about 26,000 tonnes to 27,000 tonnes.

Entrepreneurs engaged in Small Car Production ..

5028. SHRI S. C. SAMANTA: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) how many entrepreneurs who had been given permission are going ahead with production of small car;

(b) what are the reasons that some of them have either stopped to work or are unable to go ahead in production according to plan; and

(c) by what time the small car is expected in the market?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) and (b) 12 new parties have been granted letters of intent for manufacture of cars. Letter of intent of one party was allowed to lapse because the entrepreneur was not interested in pursuing the project. Two parties have reported to have developed prototype cars. The remaining parties have failed to make any worthwhile progress so far in the development of prototype vehicles. Since new entrepreneurs are not permitted to seek any foreign collaboration or foreign consultancy arrangement, it is not surprising that they are finding it extremely difficult to develop prototype cars for submission to the Vehicle Research and Development Establishment, Ahmednagar, for roadworthiness tests.

(c) It is not possible to state with any degree of precision as to when any of them will be able to commence production

Production of Iron Ingots, Steel, Coke and other by-products of Rourkela, Bhilai and Durgapur Steel Projects

5029. SHRI SAMAR GUHA: Will the Minister of STEEL AND MINES be pleased to state the break-up of the figures of production of iron ingots, steel, coke and other by-products by the Rourkela, Bhilai and Durgapur Steel Projects during the years 1970-71, 1971-72 and 1972-73?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): The figures of production of Ingot steel, saleable steel, coke and other by-products in the Rourkela, Bhilai and Durgapur Steel Plants during the years 1970-71 and 1971-72 are available in the 18th Annual Report of Hindustan Steel Limited for the year 1971-72 which has already been laid on the Table of the House. The required information in respect of the year 1972-73 is given below:—

(In '000 tonnes)

Products	Steel Plants		
	Rourkela	Bhilai	Durgapur
Steel Ingots	1177·0	2107·9	722·8
Saleable Steel	764·8	1745·6	476·9
Gross Coke (Dry)	1382·0	2384·6	1143·4
Tar products	46·435	93·552	31·657
Benzol products	2·619	11·267	4·156**
Ammonium Sulphate	11·3	28·4	12·414
Granulated Slag	..	487·3	..

**(In '000 KL)

Aerial Mineral Survey of Orissa in Collaboration with Russia

5030. SHRI P. GANGADEB: Will the Minister of STEEL AND MINES be pleased to state:

(a) the reasons why the recommendation of the Orissa Government for aerial mineral survey in Orissa in collaboration with Russia was not approved by the Centre;

(b) whether the above proposal is proposed to be reconsidered and work done in hilly regions of Deogarh, Rairakhale and Kuchinda sub-divisions in the District of Sambalpur; and

(c) the steps contemplated in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) to (c). There was a proposal with the Central Government to conduct airborne mineral surveys over several parts of the country including Sambalpur, Bolangir area in Orissa with Russian collaboration, but in 1971, a decision was taken to drop it, mainly as a result of the emergence of indigenous capacity for carrying out aeromagnetic surveys. It has been also decided to make an assessment of the results of the airborne mineral surveys conducted so far before going in for more surveys of this type. Follow up work on the anamolies found during the aerial surveys requires good deal of field staff and equipment and this is also a limiting factor in extending the aerial surveys to fresh areas.

Allocation of Raw Material of HSL to (i) Billet Re-rollers, (ii) S.R.M.A. Re-roller, (iii) Secondary Re-Rollers

5031. SHRI P. GANGADEB: Will the Minister of STEEL AND MINES be pleased to state:

(a) what was the capacity-wise allocation of raw material of Hindustan Steel Limited to (i) Billet re-rollers; (ii) S.R.M.A. re-roller; and (iii) other secondary re-rollers during the last year; and

(b) the reasons for various re-rollers remaining idle?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) Presumably the reference is to allocation of billets and other re-rollable materials to the registered billet re-rollers and scrap re-rollers registered with the Steel

Re-rolling Mills Association of India and the various State Directors of Industries. Detailed information in this regard is being collected and will be laid on the Table of the House.

(b) So far as billets are concerned, the available quantity is being distributed to the billets re-rollers, *pro rata* to capacity, with some weightage for DGS&D Orders, Railway Orders etc. Therefore, none of them would be lying idle, though they may be working short of capacity, as at present the availability of billets is less than the demand.

As regards other re-rollable materials like untested rails, roll spoils etc., these are only arisings in the process of production and therefore the availability of such materials would vary from time to time.

सेना में हरिजनों, आदिवासियों, मुस्लिमों, ईसाइयों तथा अन्य अल्प संख्यक समुदायों को भरती

5032. **श्री रामावतार शास्त्री** : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सेना में हरिजनों, आदिवासियों मुस्लिमों, ईसाइयों तथा अन्य अल्पसंख्यकों की भरती पर रोक नहीं है ; और

(ख) यदि हां, तो गत तीन वर्षों के दौरान नौसेना, वायुसेना तथा स्थल सेना में भर्ती किए गए उपर्युक्त अल्पसंख्यक समुदायों के व्यक्तियों के वर्षवार, अलग अलग आंकड़े क्या हैं तथा संपूर्ण सशस्त्र सेना में उनका प्रतिशत कितना है ?

रक्षा मंत्री (श्री जगजीवन राम) : (क) जी नहीं श्रीमन् ; इस प्रकार का कोई प्रतिबन्ध नहीं है। केवल उन रेजिमेंटो को छोड़कर जिनमें ऐतिहासिक तथा परम्परा के आधार पर कुछ वर्गों की संरचना को जारी रखने की अनुमति प्रदान की गई है उन में भर्ती केवल कुछ जातियों के सदस्यों के लिए आरक्षित की गई है।

(ख) वायु सेना तथा नौसेना में भर्ती के आंकड़े समुदाय तथा जाति-वार नहीं रखे जाते हैं । सेना के मामले में कुछ आंकड़े परम्परागत साधनों से भर्ती के संबंध में रखे जाते हैं । अतः पूछे गए ब्योरों को प्रस्तुत कर सकना सम्भव नहीं होगा ।

साउथ बिहार शुगर मिल, बहिटा का बंद होना

5033. **श्री रामावतार शास्त्री** : क्या श्रम और पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या साउथ बिहार शुगर मिल, बहिटा के करीब दो वर्षों से बन्द रहने के कारण वहां काम करने वाले लगभग डेढ़ हजार मजदूरों एवं कर्मचारियों के समक्ष भुखमरी की समस्या उत्पन्न हो गई है ;

(ख) क्या मजदूरों को प्रतिदिन काम पर आना तथा हस्ताक्षर करके वापिस जाना पड़ता है ;

(ग) क्या गत 15 महीनों से मजदूरों को वेतन का एक पैसा भी नहीं दिया गया है; और

(घ) यदि हां, तो भविष्य में उन्हें वेतन देने के लिए सरकार द्वारा क्या कार्यवाही की गई है अथवा करने का विचार है ?

श्रम और पुनर्वास मंत्रालय में राज्य मंत्री (श्री जी० वेंकटस्वामी) : (क) से (घ). यह मामला अनिवार्यतः राज्य के क्षेत्राधिकार में आता है ; सूचना एकत्र की जा रही है ।

Britannia Engineering Company, Titagarh placed under Jessops aud Company

5034. DR. H. P. SHARMA:
SHRI MOHAMMAD ISMAIL:

Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether West Bengal Government have requested the Central Goverument to take over the Britannia Engineering Company of Titagarh and to place it under Jessops and Company;

(b) if so, the reasons adduced by West Bengal Government in support of their demand;

(c) whether Government have received any request from the workers union of the factory also in this regard; and

(d) the decision taken by Goveinment thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) Yes, Sir.

(b) To restore employment.

(c) Request from Workers' Union for restarting the factory and restoration of employment was received.

(d) Government of India has decided not to take over this unit and place it under the management of Jessop & Co.

News-Item "Arms build-up by the Oil Rich Countries in West Asia"

5035. DR. H. P. SHARMA:
SHRI C. K. CHANDRAPPAN:

Will the Minister of DEFENCE be pleased to refer to the reply given to Unstared Question No. 681 on the 26th July, 1973 regarding news-item "Arms build-up by the oil rich countries in West Asia" and state:

(a) the nature of the arms-supplies proposed to be sold by the USA to each of these countries; and

(b) the steps taken and being taken by Government to dissuade US Government from supplying arms to these countries lest they should be surreptitiously supply by Gulf countries to Pakistan and eventually used against India?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) It will not be in the public interest to disclose the information available with Government in the regard.

(b) The attention of the Hon'ble Member is invited to the answer given by the Minister of External Affairs to Unstarred Question No. 2758 on 9th August, 1973.

Loss to Bokaro, Bhilai, Rourkela and Durgapur Steel Plants

5036. DR. H. P. SHARMA: Will the Minister of STEEL AND MINES be pleased to state:

(a) the extent of loss incurred due to fall in production in Bokaro, Bhilai, Rourkela and Durgapur Steel Plants due to short supply of coal and power during the months of April to July, 1973; and

(b) the steps taken by Government to overcome this crisis?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) The loss of production in terms of saleable steel in Bhilai, Rourkela and Durgapur in this period is estimated at about 0.12 million tonnes. The value of this quantity of saleable steel would be roughly Rs. 12 crores. The loss of production in terms of pig iron in Bokaro Steel Plant during this period was roughly 33,735 tonnes, the value of which would be roughly Rs. 1 crore.

(b) The concerned State Governments and the Damodar Valley Corporation have been specially requested to accord the highest priority for supply of power to the coking coal mines and coal washeries. It has also been agreed that the requirements of the Steel Plants should be given the highest priority. Continuous liaison is being maintained with all these agencies.

अन्य देशों में भारतीय दूतावासों में अनुसूचित जाति/जनजाति के अधिकारी तथा राजदूत के पदों पर कार्य कर रहे व्यक्ति

5037. श्री एम० एस० पुरती : क्या विदेश मंत्री यह बताने की कृपा करेंगे कि

(क) क्या अनुसूचित जाति तथा अनुसूचित जन जाति के किसी योग्य व्यक्ति को अन्य देशों में स्थित भारतीय दूतावासों में राजदूत बना कर भेजा गया है,

(ख) यदि हां, तो उनकी संख्या कितनी है, और

(ग) इन दूतावासों में अनुसूचित जाति तथा अनुसूचित जनजाति के कितने व्यक्ति अधिकारी के पदों पर कार्य कर रहे हैं ?

विदेश मंत्रालय में राज्य मंत्री (श्री सुरेंद्र पाल सिंह) : (क) जी हां।

(ख) 4 (अनुसूचित जाति—3

अनुसूचित जन जाति —1)

(ग) विदेश मंत्रालय के नियंत्रण में विदेश स्थित मिशनों में कार्य करने वाले अनुसूचित जातियों एवं अनुसूचित जनजातियों के कर्मचारियों की संख्या 81 है।

(अनुसूचित जाति 70

अनुसूचित जन जाति—11)

Category-wise Strikes and Agitations in Railways

5038 SHRI MADHU LIMAYE Will the Minister of LABOUR AND REHABILITATION be pleased to state

(a) whether the Government's attention has been drawn to the category wise strikes and agitations on the Railways,

(b) whether any analysis has been made of the causes;

(c) the nature of the settlements, if any; and

(d) whether the labour Ministry plays or is allowed to play a role in bringing about industrial peace in establishments under the various departments of Central Government or whether its role is confined only to the private sector?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY). (a) Yes, Sir

(b) The main cause leading to these strikes and agitations is to press their claim for channel of communications.

(c) A copy of the statement made by the Minister for Railways in the Parliament on 13th August, 1973 regarding the recent strike by the loco running staff is laid on the Table of the House [*Placed in Library See* No. LT 5565/73].

(d) Yes, Sir Its role is not confined to the private Sector

Government support to National Council of Trade Unions

5039 SHRI MADHU LIMAYE: Will the Minister of LABOUR AND REHABILITATION be pleased to state

(a) whether it is a fact that the former Labour Minister took the lead in setting up the National Council of Trade Unions;

(b) whether Government are aware that this sponsorship evoked the criticism that Government were trying to set up an official Labour Front in the manner of the corporate states and that the NCTU was directed against militant trade unions, and

(c) if so whether Government would abandon their support to this NCTU project?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHA-

BILITATION (SHRI G. VENKATSWAMY): (a) The National Council of Trade Unions was set up by the Indian National Trade Union Congress, the All India Trade Union Congress and the Hind Mazdoor Sabha.

(b) According to press reports, the formation of the National Council was the subject of some criticism by certain trade union organisations in the country.

(c) Government are anxious to see the elimination of the divisions in the trade union movement in the country and would welcome any steps towards this end.

Incomes and Wages Policy

5040. SHRI MADHU LIMAYE Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether any definite proposals have been formulated on Incomes and Wages policy;

(b) whether the trade unions have been consulted; and

(c) if so, the nature of the proposals and of the consultations with the trade unions?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) No, Sir.

(b) and (c) Do not arise.

Ban on Strikes in Railways, Fertilizer Corporation of India and Food Corporation of India

5041 SHRI MADHU LIMAYE: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether the Labour Ministry was consulted before imposing a ban on strikes in the Railways, Fertilizer Corporation of India and Food Corporation of India;

(b) if so, whether the Ministry supported these acts;

(c) whether trade unions were consulted before issuing these notifications; and

(d) if so, which trade Unions?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) and (b) The notification under rule 118 of the Defence of India Rules, 1971 prohibiting strikes in the Railways and the Food Corporation of India were issued by the Government of India. No notification was issued under the said rule in regard to the Fertiliser Corporation of India.

(c) No, Sir

(d) Does not arise.

Dispute in Hind Cycles Limited

5042. SHRI MADHU LIMAYE Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether there is a dispute in the Hind Cycles Limited;

(b) whether Government financial institutions and nationalised banks hold over 60 per cent of the share-holding of this Company;

(c) whether the House of Birlas has only 11 per cent share-holding;

(d) whether he has sought the help of the Finance Minister and the State Government to settle this dispute; and

(e) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G VENKATSWAMY). (a) According to the information made available by the Government of Maharashtra, the management had earlier served a notice intimating their intention to close down the factory from August 1, 1973 due mainly to financial difficulties. The management has, however, postponed the date of closure by one month.

(b) and (c). According to the information made available by the Department of Company Affairs, public financial institu-

tions own nearly 70 per cent of the combined capital (equity and preference), and the Birla Group's holding of the combined capital comes to about 11 per cent.

(d) and (e). So far as possible steps to secure running of the factory properly are concerned, the State Government is seized of the matter.

Involvement of Indian Employees of U.S. Embassy in Delhi in theft of Dollar Cheques

5043. SHRI RAM PRAKASH: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether some Indian employees of U.S. Embassy in Delhi were involved in theft of U.S. dollar cheques; and

(b) if so, the nature of their operation?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) and (b). Some local employees of the U.S. Embassy were assigned to the Mail Room and as such they had access to the incoming and outgoing mail of the Embassy personnel, from where they have been allegedly stealing the U.S. dollar cheques and forging endorsements thereon. The cheques were, it is alleged, being passed on to a private party for encashment. The employees involved were dismissed by the U.S. Embassy on 16th July, 1973 and a case under Sections 379 and 468 of I.P.C. has been registered by the police on receipt of a formal complaint from the Embassy. Further investigations are being made by the police authorities.

Discussion on Problems of Multinational Corporations in I.L.O. Conference at Geneva

5044. SHRI JHARKHANDE RAI: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether the I.L.O. Conference held in Geneva discussed the problem of multinational corporations in developing countries;

(b) if so, the outcome of the discussions; and

(c) what is India's stand on multi-national corporations and its impact on national economy of the developing countries?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) and (b). The Director General of the I.L.O. had referred to multinational corporations in his Report—"Prosperity for Welfare"—placed before the 58th Session of the International Labour Conference (Geneva—June, 1973), and several speakers, including the leader of the Indian delegation, dealt with this subject in the course of the general discussion on the Report. Besides, a resolution on the subject was also moved by the workers' delegates from Italy, Chile, USSR and Hungary. Though this resolution was one of the five given priority by the Resolution Committee of the Conference for consideration, it could not be discussed for want of time.

(c) While speaking on the Director-General's report, the leader of the Indian delegation, said, inter alia, that multinational corporations are in fact transnational companies which more often than not try to act as super-governments. These enterprises have at their disposal financial resources which are several times larger than the individual national output of no less than two-thirds of the developing countries. As a result, (i) the capacity of the developing countries to save and invest is seriously impaired; (ii) the bargaining capacity of the developing countries is very weak in the face of these 'giants'; and (iii) the bargaining power of the national contingents of the labour force employed by the multinational enterprise system is eroded. He, therefore, suggested that the activities and operations of these corporations should be regulated by an international code of conduct.

Amendment of Gratuity Act

5045 SHRI JHARKHANDE RAI Will the Minister of LABOUR AND REHABILITATION be pleased to state

(a) whether Government propose to make changes in the Gratuity Act, and

(b) if so the changes proposed?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G VENKATSWAMY) (a) and (b) Certain proposals for amendment of the Payment of Gratuity Act 1972 with a view inter alia to enlarging its scope setting up a Statutory Gratuity Fund and protecting the better benefits available to workers before enactment of the Act are under consideration

पांचवी पंचवर्षीय योजना के अन्तिम इस्पात की आवश्यकता तथा उपलब्धता

5046. **श्री मूलचंद डागा** : क्या इस्पात और खान मंत्री यह बताने की कृपा करेंगे कि पांचवी पंचवर्षीय योजना के अन्त तक देश को कितने इस्पात की आवश्यकता होगी तथा उस समय तक कितना इस्पात उपलब्ध हो जायेगा ?

इस्पात और खान मंत्रालय में उपमंत्री (श्री सुबोध हंसदा) : अनुमान लगाया गया है कि 1978-79 में अर्थात पांचवी पंचवर्षीय योजना के अन्त तक वित्त इस्पात की आन्तरिक मांग लगभग 106 लाख टन हो जाएगी। पांचवी योजना अवधि में इस्पात विकास कार्यक्रम के लिए बनाये गये अनुमोदनार्थ प्रस्तावों में भिलाई इस्पात कारखाने का 25 लाख टन पिण्ड से 40 लाख टन पिण्ड तक विस्तार करने, बोकारो इस्पात कारखाने का 47 5 लाख टन पिण्ड तक विस्तार करने तथा सेलम, विजयनगर और विशाखापत्तनम में लगाये जाने वाले 3 नये इस्पात कारखानों का काम जारी रखने की परिकल्पना की गई है। टाटा आयरन एण्ड स्टील कंपनी के जमशेदपुर स्थित कारखाने के विस्तार के प्रस्ताव भी विचाराधीन हैं। यह कार्यक्रम इस प्रकार बनाया गया है जिसमें पांचवी योजना अवधि के अन्त तक साधारण इस्पात के मामले में आत्मनिर्भरता प्राय सुनिश्चित हो सके।

ब्रिटेन स्थित भारतीय उच्चायुक्त के कर्मचारियों पर व्यय

5047. **श्री मूलचंद डागा** : क्या विदेश मंत्री यह बताने की कृपा करेंगे कि वर्ष 1972 के दौरान ब्रिटेन स्थित हमारे राजनयिक मिशन पर कुल कितना व्यय हुआ है ?

विदेश मंत्रालय में राज्य मंत्री (श्री सुरेन्द्र पाल सिंह) : 1972 के दौरान यू० के० स्थित हमारे हाई कमीशन के सभी विभागों पर कुल मिलाकर 204 22 लाख रुपये खर्च हुए।

घरेलू नौकरों की स्थिति

5048. **श्री मूलचंद डागा** : क्या श्रम और पुनर्वास मंत्री यह बताने की कृपा करेंगे कि

(क) देश में घरेलू नौकरों की कुल संख्या कितनी है तथा क्या सरकार ने उनकी दयनीय स्थिति पर कभी ध्यान दिया है ; और

(ख) क्या ऐसे घरेलू नौकरों के लिए कोई कानून अभी तक बनाया गया है और क्या उस कानून के अंतर्गत घरेलू नौकर के किसी मालिक के विरुद्ध कार्यवाही की गई है ?

श्रम और पुनर्वास मंत्रालय में उपमंत्री (श्री जी० वैंकट स्वामी : (क) घरेलू नौकरों को सांविधिक सुरक्षा देने और उनकी सेवा की दशाओं को सुधारने हेतु अर्थोपाय ढूंढने के प्रश्न पर केन्द्रीय सरकार और राज्य सरकारों ने समय-समय पर विचार किया है। लेकिन मुख्य रूप से इसे किसी कानून का लागू करने में होने वाली कठिनाई तथा ऐसे अधिनियम से घरेलू नौकरों के बड़े पैमाने पर छटनी किये जाने की संभावना से इस प्रयोजन के लिए सांविधिक उपबन्ध करना संभव नहीं पाया गया।

(ख) जी नहीं।

State-wise figures of strikes, hartals and Man-Days Lost

5049 SHRI SAROJ MUKHERJEE Will the Minister of LABOUR AND REHABILITATION be pleased to state

(a) how many, State wise, strikes and hartals took place in India in last three months with break up of number of man days lost in each of such strikes giving the dates of strikes in various States,

(b) the issues involved in such strikes and hartals and the main features of the charters of demands put forward by the parties and organisations who called for such strikes and hartals in different States with, State-wise break-up of such demands, and

(c) whether Government conceded any of the demands put forth by the strikers and if so, the main features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G VENKATSWAMY) (a) to (c) Information is being collected and will be laid on the Table of the House after it is received

Presentation of a Nine-Point Plan by India at Commonwealth Prime Ministers' Conference

5050 SHRI VISHWANATH PRATAP SINGH:
PROF MADHU DANDAVATE

Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether India presented to Commonwealth Prime Ministers' Conference a nine point plan,

(b) if so, the broad outlines thereof, and

(c) the extent of its acceptance by other Commonwealth countries?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) Yes, Sir

(b) On the future of Commonwealth trade we urged consideration of the following 6 points

(i) the system of preferences that exists among the Commonwealth countries should continue, even though preferences given to and by the U K would end,

(ii) special trading relationship of Commonwealth countries with Britain should be maintained for at least one additional year in order to enable these countries to work out and implement appropriate trading arrangements with the EEC

(iii) terms of association with the EEC offered to some of the developing countries members of Commonwealth should adequately protect their existing trading interests,

(iv) countries of the Commonwealth should consider adopting joint approach to the EEC on commodities of common interest to Commonwealth countries,

(v) in the forthcoming multilateral trade negotiations, the interests of the developing countries must

be fully taken into account and Commonwealth countries should work towards this goal; and

(vi) the coverage and scope of the GSP offers need to be improved substantially; in particular, the process of harmonisation with the EEC should not lead to a dilution of the progressive features of the British scheme.

On international monetary reform, we urged the Conference to endorse the following principles:

(a) a link between the SDRs and development finance is not only desirable in principle, but also a practical means of transferring additional development finance to developing countries in the context of the reform of the international monetary system;

(b) all countries should return to a system of stable although adjustable exchange rates, as soon as possible; and

(c) the international community should take concrete steps towards progressively making the SDR the primary reserve asset.

(c) There was general support for our proposals particularly from the developing countries of the Commonwealth. This is reflected in the Communique issued at the end of the Conference, a copy of which was placed on the Table of the House on the 16th of August, 1973 in reply to Unstarred Question No. 3315.

Agreement with Bharat Gold Field Kolar regarding Mining Work at Kolihan Mine of Khetri Copper Project

5051. SHRI D. K. PANDA: Will the Minister of STEEL AND MINES be pleased to state:

(a) what is the exact agreement with Bharat Gold Field Kolar for mining work at Kolihan Mine of Khetri Copper Project;

(b) in what way Khetri Project of Kolihan Mine is benefited by giving the work on contract to Bharat Gold Field Limited or any agency; and

(c) whether work of this nature in future is proposed to be carried out by departmental workers who have gained sufficient experience and expertise and if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) M/s. Bharat Gold Mines Limited have been assigned the work concerning the sinking of Service Incline at the Kolihan Mine of Khetri Copper Project.

(b) Shaft Sinking is a specialised job for which M/s. Bharat Gold Mines have the necessary expertise. Hence the contract will help in the speedy development of a critical area of mine construction at Kolihan.

(c). The work of this nature is also being carried out by the departmental workers. Out of the five areas where the work of Shaft Sinking and Shaft Equipping is being carried out at Khetri Copper Project, the work in three areas is being executed departmentally.

Unemployment Insurance

5052. SHRI C. K. JAFFER SHARIEF: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether there is any proposal under the consideration of Government to introduce the Scheme of Unemployment Insurance for Unemployed persons: and

(b) if so, the broad outlines thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY) (a) and (b). Government are not considering any proposal to introduce a Scheme of Unemployment Insurance for all unemployed persons. However, the National Commission on Labour has recommended inter-alia enhancement of the rate of Provident Fund contribution from 8

per cent to 10 per cent of pay and suggested that the additional contribution may be used, with marginal adjustment to finance new benefits including Unemployment Insurance for industrial workers. The question of introducing a Scheme of Unemployment Insurance for persons who are employed but are thrown out of employment for short period will be considered after a decision is taken on the recommendation of the National Commission on Labour.

Houses for Coal Mine Workers

5053 SHRI C. K JAFFER SHARIEF. Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) the number of workers who have been provided with quarters in the coking and non-coking coal mines, region-wise and the number of workers in the coking and non-coking coal mines; and

(b) the particulars regarding the quarters Government propose to build for the workers?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) According to a partial rapid survey of Housing Conditions of workers in coal mines conducted by the Labour Bureau in 1966-67, the number of workers employed in coal mines and the number provided with standard and other type of houses is given:

Name of State	Estimated employment	Estimated No. of Workers	
		Provided with standard type of houses	Provided with other than standard type of houses
1	2	3(a)	3(b)
Assam	6,384	361	4,294
West Bengal	1,39,290	19,947	29,504
Bihar	2,43,541	40,660	67,089
M.P.	42,655	9,664	14,970
Maharashtra	8,442	126	2,532
Orissa	5,716	1,708	320
Total	4,46,028	72,466	1,18,709

NOTE : Separate figures for coking and non-coking coal mines are not available.

The total number of workers working in coking and non-coking coal mines as in December, 1972 was 4,08,892 (provisional). The number of miners provided with houses constructed so far with the assistance from the Coal Mines Labour Welfare Fund, region-wise is as follows:—

Name of region	Coking	Non-coking
A.P. . .	..	5,019
Assam .	..	116
Bihar . .	10,421	22,947
M.P. . . .		7,921
Maharashtra . .		722
Orissa . . .		1,098
West Bengal	460	20,588
	10,881	58,411

(b) Government has sanctioned construction of 3,334 houses under the New Housing Scheme for Bharat Coking Coal Ltd. and another 2,000 houses under the Low Cost Housing Scheme for N.C.D.C.

मध्य प्रदेश में कुछ मिलों द्वारा कर्मचारी भविष्य निधि की राशि जमा न करना

5054. **डा० लक्ष्मीनारायण पांडेय :** क्या श्रम और पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश की मंदसौर टैक्सटाइल मिल, रतलाम स्थित सज्जन टैक्सटाइल मिल, उज्जैन स्थित बिनोद टैक्सटाइल मिल, जावरा और माहिदपुर स्थित चीनी मिल, और इंदौर स्थित राजकुमार मिल्स द्वारा भविष्य निधि की राशि के समय पर जमा न करने तथा उक्त राशि को अपने उपयोग में लेने के बारे में शिकायतें प्राप्त हुई है ;

(ख) यदि हां, तो उन मिलों को 1972-73 तक भविष्य निधि की कुल कितनी धनराशि जमा करनी थी और अब तक वास्तव में कुल कितनी राशि जमा की गई ; और

(ग) भविष्य निधि के दुरुपयोग को रोकने के लिए सरकार ने क्या कार्यवाही की है?

श्रम और पुनर्वास मंत्रालय में उप-मंत्री (श्री जी० वेंकटस्वामी : (क) से (ग). भविष्य निधि प्राधिकारियों से सूचना एकत्र की जा रही है। वह यथा-समय सभा की मेज पर रख दी जायेगी।

Electric Machines and Equipment exported to Foreign Countries from Heavy Electricals Limited, Bhopal

5055. DR. LAXMINARAIN PANDEYA: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) the number of electric machines and equipments exported to foreign countries from Heavy Electricals Limited, Bhopal during the years 1971-72 and 1972-73;

(b) the amount of foreign exchange earned during the years 1971-72 and 1972-73; and

(c) the figures of profit and loss in respect of the Heavy Electricals Limited for the last two years?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a) to (c). A tabular statement is attached.

Statement

(Value Rs. in Lakhs)

Items exported	1971-72 No. of Sets	1971-72 Value	1972-73 No. of Sets	1972-73 Value
1. 11 KV and 33 KV Switchgear equipment including Circuit Breakers Voltage Transformers, Current Transformers, Control Panels etc.	32	9·37	73	5·97
2. Motor and Control-gears	82	4·77	10	8·35
3. Transformer including reactors	1	0·33	7	8·60
4. Miscellaneous	..	0·92	..	3·18
Total value of export.		15·39		26·10
5. Profit/Loss in respect of the total operations of H.E.I.L.	142·00 (Loss)			507·53 (Profit)

भारत के बाड़मेर क्षेत्र में पाकिस्तानियों द्वारा घुसपैठ

5056. डा० लक्ष्मी नारायण पाण्डेय : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बाड़मेर क्षेत्र में पाकिस्तानी नागरिक बिना रोक टोक घुस आते हैं ;

(ख) क्या बाड़मेर की चौहटन तहसील के कुछ लोग बिना पार पत्र के गत जून, 1973 में पाकिस्तान गए थे तथा वे बिना रोक टोक वापस आ गए ;

(ग) क्या हजारों पाकिस्तानी इस प्रकार भारत में घुस आए हैं ; और

(घ) क्या सरकार ने उनको पुनः वापिस भेजने के लिए कोई कार्यवाही नहीं की है ?

रक्षा मंत्री (श्री जगजीवन राम) : (क) से (घ). इस सम्बन्ध में सूचना एकत्र की जा रही है और सभा पटल पर रख दी जायेगी ।

Plan to declare lock-out in Hind Cycles Ltd.

5057. PROF. MADHU DANDAVATE: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether the management of 'Hind Cycles' in Bombay has put off the plan to declare 'lock-out' in the factory following workers' agitation; and

(b) if so, what steps are taken to ensure that workers' interests are protected and there is no further threat of a closure?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) and (b). According to the information made available by the Government of Maharashtra, the management has postponed the date of closure of the factory by one month to September 1, 1973. As for possible steps to secure the running of the factory properly, the State Government is already seized of the matter.

Amendment of Bonus Act to widen its scope

5058. PROF. MADHU DANDAVATE: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether there has been a persistent demand from the Central Trade Union Organisation for amendment of the Bonus Act so as to widen its scope; and

(b) if so, the reaction of Government thereto?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) and (b). The Bonus Review Committee is seized of the matter. Its final report is awaited.

पठानकोट मिलिट्री फार्म के कर्मचारियों द्वारा भूख हड़ताल

5059. **श्री हुकम चंद कछवाय :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि

(क) क्या पठानकोट मे मिलिट्री फार्म के कुछ कर्मचारियों ने अगस्त, 1973 मे भूख हड़ताल की थी ,

(ख) यदि हां, तो इसके क्या कारण हैं , और

(ग) इस बारे मे सरकार द्वारा क्या कार्यवाही की गई है ?

रक्षा मंत्री (श्री अजाजोवन राम) : (क) और (ख). पठानकोट मे मिलिट्री फार्म के कुछ कर्मचारियो ने पश्चिमी तथा उत्तरी कमान मिलिट्री फार्म कर्मचारी संघ द्वारा मिलिट्री फार्मों के निदेशक को दी गए 11-7-73 के नोटिस मे दी गई कुछ मांगों को पूरा करने के लिए 1-8-1973 से हड़ताल की थी।

(ख) संघ के पदाधिकारियों ने अपनी मांगों पर मिलिट्री फार्मों के निदेशक से बात-चीत की जबकि स्थिति उनको स्पष्ट की गई।

आयुध कारखानों में काम करने वाले असैनिक कर्मचारी

5060. **श्री हुकम चन्द कछवाय :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि भारत में आयुध कारखानों में काम करने वाले असैनिक कर्मचारियो की संख्या कितनी है?

रक्षा मंत्रालय (रक्षा उत्पादन) में राज्य मंत्री श्री विद्याचरण शुक्ल) : 1-7-1973 को आयुध कारखानो के संगठन में कार्य कर रहे भारतीय असैनिक कर्मचारियों की संख्या जिसमें अफसर भी सम्मिलित हैं, 1,50,302 है ।

भगवती समिति पर व्यय

5061 **श्री हुकम चंद कछवाय :** क्या श्रम और पुनर्वास मंत्री यह बताने की कृपा करेंगे कि

(क) बेरोजगार को रोजगार देने के लिए सिफारिश करने हेतु भगवति समिति कब नियुक्त की गई , और

(ख) इस पर कुल कितना व्यय हुआ है ?

श्रम और पुनर्वास राज्य मंत्री (श्री चो. वेंकटसुब्बैया): (क) 19-12-1970 ।

(ख) 1-7-1973 तक 21,34,[illegible] ।

लखनऊ के निकट भारतीय वायुसेना के विमान का दुर्घटना ग्रस्त होना

5062 श्री हुकम चन्द कछवाय क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि

(क) क्या अगस्त, 1973 में लखनऊ के निकट भारतीय वायुसेना का एक विमान दुर्घटनाग्रस्त हुआ था, और

(ख) सरकार द्वारा की गई जांच के क्या परिणाम निकले और दुर्घटना के परिणामस्वरूप सरकार का कितनी हानि हुई तथा दुर्घटना में मारे गए व्यक्तियों के परिवारों को दी गई सहायता का ब्यौरा क्या है ?

रक्षा मंत्री (श्री जगजीवन राम): (क) जी हां, श्रीमान्।

(ख) जांच अदालत ने अभी तक अपनी रिपोर्ट पूरी नहीं की है। सरकार को सम्पत्ति की अनुमानित क्षति 1,37,905 रुपये (नष्ट हुई विमान की लागत) हुई। वायु सेना के मरे गए सहकारी के (जिन्दा) सम्बन्धियों को आहरण/पहले ही दी गई सहायता का ब्यौरा संलग्न विवरण में दिया गया है।

विवरण

दुर्घटना में मारे गए अफसरों के नाम फ्लाइट लेफ्टि० एस० के० सिंह, फ्लाइंग अफसर एच० पी० एस० गिल हैं। उनके नजदीकी सम्बन्धियों को आहरण/पहले ही दी गई सहायता का ब्यौरा निम्नलिखित है —

फ्लाइट लेफ्टि० एस. के० सिंह (अविवाहित)

पेंशन सम्बन्धी हित (सरकारी निधियां)

1 पारिवारिक उपदान 2,670 रुपये (इसका 75 प्रतिशत विधवा को दे दिया गया है)

2 अनुग्रहपूर्वक अदायगी : 42,000 रुपये

3 मृत्यु-सह-सेवानिवृत्ति उपदान: 9,960 रु०

4 विशेष पारिवारिक पेंशन 170 रुपये प्रतिमास की दर पर।

5 शिशु भत्ता: 40 रुपये प्रति मास की दर पर

6. तदर्थ वृद्धि: 10 रुपये प्रति मास की दर पर।

भारतीय वायु सेना वेलफेयर फंड से सहायता

1 12 किस्तों में देय मृत्यु अनुदान: 5000 रुपये (1,000 रु० 16-8-1973 को दिए गए)

2. पारिवारिक सहायता योजना (अफसर) के अधीन अगस्त 1973 से 10 वर्ष के लिए 150 रु० प्रतिमास की दर पर पुनर्वास अनुदान 18000 रुपये (150 रु० 16-81973 को दिए गये)

इसके अतिरिक्त स्वर्गीय फ्लाइट लेफ्टि० एस० के० सिंह की पत्नी 150 रुपये प्रतिवर्ष की दर पर तीन वर्ष की अवधि तक मकान किराए की प्रतिपूर्ति की भी पात्र है।

फ्लाइंग अफसर एच० पी० एस० गिल (अविवाहित)

पेंशन सम्बन्धी हित (सरकारी निधियां)

1 पारिवारिक उपदान 1,000 रुपये

2 अनुग्रह-पूर्वक अदायगी 42,000 रुपये

3 मृत्यु-सह-सेवानिवृत्ति उपदान 3,750 रु०

4 माता-पिता के लिए 128 रु० प्रति मास (अधिकतम) की दर तथा एकल माता या पिता के लिए 96 रु० प्रतिमास (अधिकतम) की दर पर उनके आय के साधनों के समय के अनुसार आश्रितों की पेंशन।

भारतीय वायु सेना (वेलफेयर फंड) से सहायता

1 मृत्यु अनुदान : 3,000 रु० (1,000 रु० 21-8-1973 को दिये गए)

2 मामले के गुणावगुणों के अनुसार आश्रित व्यक्ति, पारिवारिक सहायता योजना (अफसर के अधीन अधिकतम 10 वर्ष की अवधि के लिए 150 रु० प्रतिमास के पुनर्वास अनुदान का भी पात्र है।

Man-Days lost in Consumer Industries in 1972-73

5063. SHRI JAGANNATH MISHRA: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) the total number of man-days lost during the year 1972-73 due to labour trouble and strike in consumer industries like Vanaspati, Kerosene Oil Industry-wise, both in private and public sectors;

(b) the lost value and quantity of consumer goods as produced less on account of labour trouble and strike during the same period; and

(c) the remedial measures taken by Government to put an end to such strikes in key industries producing essential consumer goods?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) to (c). Information is being collected and will be laid on the Table of the House after it is received.

Indian Technical and Economic Cooperation Programme

5064. SHRI JAGANNATH MISHRA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the main features of the scheme of Indian Technical and Economic Cooperation;

(b) the number of trainees (country-wise) undergoing training under the scheme during the current year; and

(c) the per head expenditure involved?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a). The Indian Technical and Economic Cooperation (ITEC) Programme covers:

1. Provision of training facilities in India to foreign nationals;
2. long and short-term deputation of experts abroad;
3. gifts of capital goods, equipment, drugs, medicines, etc.
4. financial assistance for conducting feasibility studies and economic surveys; and
5. undertaking specific projects in certain countries with whom we have economic cooperation agreements,

(b) and (c). A statement is laid on the Table of the House. [*Placed in Library. See* No. LT-5566/73].

Scooter Factory at Lucknow

5065. SHRI ANANT PRASAD DHUSIA: Will the Minister of HEAVY INDUSTRY be pleased to state:

(a) whether Scooter (India) Ltd is going to set up a scooter factory at Lucknow this year;

(b) whether unemployed Engineers are being considered for allotment of Industrial sheds for manufacturing ancillary parts; and

(c) whether some sheds will also be allotted to Scheduled Caste/Scheduled Tribes enterpreneurs?

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESHWAR PRASAD): (a). Yes, Sir

(b) Industrial Estates are being set up by the U.P. Small Industries Corporation Ltd. in consultation with Scooter India Ltd. for allotment to self-employed engineers

(c) While there is no reservation of sheds for allotment to Scheduled Caste/Scheduled Tribe entrepreneurs, other things being equal, Scheduled Caste/Scheduled Tribe entrepreneurs will be given preference.

Non-Deposit of E.S.I.S. Contribution by Employees

5066. SHRI NAWAL KISHORE SINHA: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) the number of employers in different States who have not so far deposited

the amount of the E.S.I. Account and the names of firms which fall in the category of defaulters who have to pay on this account a sum of over Rs. 1 lakh;

(b) the number of Government (Central and State) Companies and Corporations and on the defaulters' list and the year since when they have been defaulting; and

(c) the steps taken to recover the ESI amount due from these firms, Government or private?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): The Employees' State Insurance Corporation have furnished the following information:

(a) (i) The number of employers who have not so far cleared the dues of the Employees' State Insurance Corporation upto the period 31st March, 1973 is 8,330.

(ii) The names of employers who were in default for the Rs. one lakh and above is given in the statement laid on the Table of the House. [*Placed in Library. See* No. LT-5557/73].

(b) The number of Public Undertakings in default is 234. The period since when they are defaulting varies from factory to factory.

(c) (i) Recovery of arrears is affected as arrears of land revenue under Section 45B of the Employees' State Insurance Act. 1947.

(ii) Recovery of arrears is also effected through civil proceedings under section 75(2) of the Act.

(iii) Criminal action is also taken against defaulting employers. where necessary. under Section 85 of the Act.

Arrears of Provident Fund

5067. SHRI JYOTIRMOY BOSU: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) the State-wise, Provident Fund arrears from each industrial and commercial establishment as on the 31st March, 1973; and

(b) what action, if any, has been taken against the defaulters during the last three years?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): The Provident Fund Authorities have intimated as under:—

(a) A statement showing State-wise Provident Fund arrears in respect of unexempted establishments which are in default amounting to Rs. 1 lakh and above as on 31st March, 1973 is laid on the Table of the House. [*Placed in Library. See* No. LT-5563/73].

(b) The following steps are taken against the un-exempted establishments which default in payment of dues and/or submission of returns:—

(i) Prosecution is launched under Section 14 of the Employees' Provident Funds and Family Pension Fund Act. 1952.

(ii) Revenue Recovery proceedings are initiated under Section 8 of the Employees' Provident Funds and Family Pension Fund Act, 1952.

(iii) In suitable cases complaints are filed with the Police/Courts under Section 406/409 of the Indian Penal Code.

(iv) The default is brought to the notice of the Employers' and Workers Organisations including the Trade Unions.

(v) Penal damages are levied under Section 14-B of the Employees' Provident Funds and Family Pension Fund Act. 1952.

(vi) In some cases the establishments are afforded a chance to pay the dues in suitable instalments subject to production of adequate guarantee, surety etc.

(vii) In the case of Textile Mills which have gone into liquidation, reconstruction schemes drawn up are examined on merits

Realisation of Fourth Five Year Plan Steel Target

5068. SHRI JYOTIRMOY BOSU: Will the Minister of STEEL AND MINES be pleased to state:

(a) the anticipated demand and supply of steel at the end of the Fourth Plan;

(b) whether the Fourth Plan target of steel production will be realised; and

(c) if not, the likely short-fall?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) The demand for mild steel in 1973-74 (the last year of the Fourth Plan period) is estimated at about 6.7 million tonnes. The likely indigenous production in 1973-74 is of the order of 6.17 million tonnes. The gap between the estimated demand and availability from indigenous production is proposed to be met by imports.

(b) No, Sir.

(c) Approximately 1.4 million tonnes.

Production of Steel Ingots and Finished Steel in Public and Private Sector Plants

5069. SHRI JYOTIRMOY BOSU: Will the Minister of STEEL AND MINES be pleased to state:

(a) the production of steel ingots and finished steel in each of the Public Sector and Private Sector Plants, month-wise from July, 1972 to May, 1973; and

(b) the factors affecting improvement in steel production?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA). (a) A statement is laid on the Table of the House. [*Placed in Library. See* No. LT-5569/73].

(b) Production of steel in the first quarter of this year in the main steel plants has been considerably lower than the target for the period. It has been adversely affected principally by acute power shortage which resulted in severe curtailment of the operation of the coking coal mines and the coal washeries which, in turn, affected the availability of adequate supplies of coal to the steel plants. The inadequate supply of coal affected the availability of coke oven gas for rolling. Power shortage also directly affected the rolling of steel in all the plants except Bhilai.

Production of Pig Iron and Steel Ingots after take over of I.I.S.C.O. Burnpur

5070. SHRI ROBIN SEN: Will the Minister of STEEL AND MINES be pleased to state:

(a) the total tonnage of production of Pig Iron and Steel ingots after the take-over of the Indian Iron and Steel Company Limited, Burnpur, West Bengal; and

(b) total tonnage of production during the same period before take-over of the Indian Iron and Steel Company Limited?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). The management of Indian Iron and Steel Company was taken over by Government on the 14th July, 1972. The figures of production during the period from the 1st July 1971 to the 15th July, 1972 and from the 16th July, 1972 to the 31st July, 1973 are as under:—

Period	Pig Iron	Steel Ingots (tonnes)
1-7-1971 to 15-7-1972	8,81,502	5,59,457
16-7-1972 to 31-7-1973	7,39,019	4,801

Quantity of Steel Ingot produced in Durgapur and Rourkela Steel Plants during 1969, 1970 and 1971

5071. SHRI ROBIN SEN: Will the Minister of STEEL AND MINES be pleased to state the quantity of Steel ingot produced in the years 1969-70, 1970-71 and 1971-72 in Durgapur and Rourkela Steel Plants?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): The following are the figures of production of steel ingots in Durgapur Steel Plant and Rourkela Steel Plant:

Steel Ingots (In thousand tonnes)

Year	Durgapur Steel Plant	Rourkela Steel Plant
1969-70	818	1104
1970-71	634	1038
1971-72	700	823

Corporate Plan to produce 1.4 MT. of Steel in Durgapur by 1977-78

5072. SHRI ROBIN SEN: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether a Corporate Plan has been prepared for Durgapur Steel Plant by H.S.L. wherein it is stated that Durgapur can produce 1.4 MT of steel only in the year 1977-78; and

(b) if so, the reaction of Government?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). No, Sir. A corporate plan has been drawn up by the Plant Authorities for the production of 1 4 million tonnes of ingots by Durgapur Steel Plant in 1975-76.

Distribution of Steel and Pig Iron in Eastern Region to Small and Medium Industries

5073. SHRI DINEN BHATTACHARYYA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether during the last six months due to a complete chaos in the distribution of steel and pig iron quota in the Eastern region including West Bengal, the small and medium industries are facing serious difficulties to keep their plants running;

(b) what is the reaction of Government in this matter; and

(c) what steps Government propose to take to bring an effective improvement in the situation?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) to (c). As regards steel, despatches from the main steel plants are regulated by the Steel Priority Committee, after taking into account the end uses for which the steel is required, availability in a particular quarter and the competing demands. Government have no information regarding dislocation of supply through the S.P.C. in meeting the requirement of the small and medium industries in the Eastern region including West Bengal.

As regards pig iron, a situation of shortage had recently developed, due mainly to transport difficulties and shortage of power. The position of supply has already started improving. Supply of pig iron is at present being made to the foundries on the basis of off-take during the period October, 1972 to March, 1973. An equitable system of distribution of pig iron based on capacities of foundries is also being drawn up.

Steps taken to bridge the gap between demand and supply of steel include efforts to increase production by technological improvements; by better industrial relations; improved maintenance of plant and machinery, regulation of exports; liberalisation of imports, particularly in respect

of categories in short supply; and setting up of electric furnaces to supplement availability of steel from the main producers.

Erosion of Real Wages of Industrial Employees due to Price Rise

5074. SHRI DINEN BHATTACHARYYA: Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether the real wages of the industrial employees all over the country have eroded to an abnormal extent due to unprecedented rise in price of all commodities during last one year; and

(b) the steps taken by Government to check the erosion and the results achieved?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI G. VENKATSWAMY): (a) The index number of real earnings of factory workers (Base 1961—100) stood at 101 points for 1970. The provisional figure for 1971 is also 101. As regards mine workers, the index number of real earnings (Base 1961—100) went up from 116 points in 1970 to 117 points in 1971. Figures for 1972 are not available.

(b) Steps continue to be taken by Government to check rise in prices of essential commodities. The system of variable dearness allowance is in force in a number of major industries and gives relief to workers whenever the cost of living goes up.

Proposal by H.S.E.U. Durgapur regarding Product Mix for expansion of Plant

5075. SHRI SAMAR MUKHERJEE: Will the Minister of STEEL AND MINES be pleased to state the reasons of not accepting the proposal given by the H.S.E.U., Durgapur for the expansion of the Plant to 2.5 M.T. with some profitable product mix rectifying the existing trouble?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): The expansion proposed by the Union is to 3.5 million tonnes. The possibility of expansion of the capacity of the plant is separately under examination.

Commissioning of demolished No. 1 Battery of Durgapur Steel Plant

5076. SHRI SAMAR MUKHERJEE: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Battery No. 1 of Durgapur Steel Plant was demolished three years back for reconstruction but has not yet been put into commission; and

(b) if so, what is the data fixed in the tender document to finalise the Job?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). The battery was taken down for re-building in November, 1968. According to the contract terms, the re-buildmg was to be completed by the 15th April, 1971. The job has not been completed owing to a number of factors, one of the main ones being frequent strikes and work-stopages among the labour employed by the different contractors on the job. The re-building is now almost over. One half of the battery began heating up on the 18th May, 1973. The heating up is almost complete and the half battery is ready to be charged in a few days. However, the employees of the Coke Oven Department are threatening that they will not work on the battery unless a large number of their demands are conceded. The Unions have rejected the offers made by the management, and are threatening to go on strike.

Memo by Hindustan Steel Employees Union, Durgapur to the Joint Negotiating Committee of Steel Industry

5077. SHRI SAMAR MUKHERJEE: Will the Minister of STEEL AND MINES be pleased to state·

(a) whether the Hindustan Steel Employees Union, Durgapur had submitted a memorandum to the Joint Negotiating Committee of the Steel Industry;

(b) if so, what are their demands;

(c) whether in the memorandum it is stated that the break-even point at Durgapur is 109 per cent of 1.4 million tonnes (1.4 M t. being the achievable capacity in the year 1977-78 as per Corporate plan prepared by HSL); and

(d) if not, the percentage arrived at by Government?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) In April, 1973, a paper entitled 'A diagnosis of sick child-Durgapur' prepared by the Hindustan Steel Employees Union, Durgapur, was circulated to the members of the Joint Negotiating Committee on the Steel Industry by one of the members of the Committee representing the Hindustan Steel Employees Union.

(b) The main point made in the paper is that the present capacity of the Durgapur Steel Plant is really not 1.6 million tonnes of Steel ingots a year but something considerably less According to this representation bottlenecks can be removed only if production capacity is increased substantially and towards this end, it has been proposed that there should be an increase in the capacity to about 3.5 million tonnes a year.

(c) Yes, Sir. However, the corporate plan that has been drawn up by the Plant Authorities envisages the production of 1.4 million tonnes of ingots by the Plant in 1975-76 and not 1977-78.

(d). The break even point is a function of the costs of inputs, and prices of the finished materials and hence is bound to fluctuate. It has been estimated by Hindustan Steel Ltd., that, on the basis of existing prices and costs, Durgapur Steel Plant could have earned a profit in 1972-73 if the volume of production had exceeded 81 per cent of the installed capacity of 1.6 million tonnes a year.

Proposal to relax restrictions on visits of American Scholars

5078 SHRI SHRIKISHAN MODI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government have been advised to relax restrictions on the visits of American Scholars to the country; and

(b) if so, whether any modifications in the visa policy are contemplated in this respect?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) and (b). There are no restrictions placed by Government specifically on the visits of American scholars; however, Government have formulated broad guide-lines covering various categories of foreign scholars which are equally applicable to American scholars wishing to visit India. The visa policy is constantly under review by Government with a view to ensuring that no unnecessary restrictions are placed on genuine scholars from abroad in the interest of India's academic and other requirements.

Recruitment in Defence Department

5079. SHRI BIBHUTI MISHRA: Will the Minister of DEFENCE be pleased to refer to the reply given to Starred Question No. 1054 on the 10th May, 1973 regarding recruitment in Defence Department and state:

(a) the reasons for continuing weightage and reservation for certain communities in the case of Army when recruitment in Air Force and Navy is done irrespective of caste or community;

(b) whether it is proposed now to remove the disinction between martial and non-martial races for recruitment to the Armed Forces and discontinue the system prevalent for historical reasons and on grounds of tradition; and

(c) whether Government propose to issue orders in this respect, if so, when?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) Since, in Army, due to historical reasons and on grounds of tradition, certain class compositions are continuing. There is reservation and weightage in recruitment, for members of certain cates only, on the basis of the existing class compositions. In the Navy and Air Force as there is no class composition, there is no reservation or weightage for any caste.

(b) There is no distinction between martial and non-martial races for recruitment to the Armed Forces. The policy of the Government is to provide equal opportunities to all citizens for enrolment in the Armed Forces.

(c) Does not arise.

Mining Operations at Ramgiri Gold Mines, Anantapur District, Andhra Pradesh

5080. SHRI P. ANTONY REDDI: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government have since started mining operations at Ramgiri Gold Mines, Anantapur District, Andhra Pradesh; and

(b) what are the reasons for the delay?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) No, Sir.

(b) Mining operations cannot be undertaken until the exploratory phase is completed.

Drilling Operations for Diamonds at Vajrakarur, Andhra Pradesh

5081. SHRI P. ANTONY REDDY: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the Central Government are still carrying out drilling operations for diamonds at Vajrakarur, Andhra Pradesh; and

(b) what is the value of diamonds found from the drilling operations?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) No, Sir.

(b). Does not arise.

Instructions Re: Pay Fixation and Seniority of Released Emergency Commissioned and Short Service Commissioned Officers

5082. SHRI JAGANNATHRAO JOSHI: Will the Minister of DEFENCE be pleased to state:

(a) whether instructions were issued to the State Government concerns including the Public Undertakings to enforce special benefits regarding reservations of vacancies and fixation of pay and seniority for released Emergency Commissioned and Short Service Commissioned Officers;

(b) the outlines of the instructions in this regard and dates when they were issued;

(c) which Public Undertakings have implemented them fully, which partially and which have ignored them as yet;

(d) what are the steps proposed to see that each Undertakings implements fully all the instructions issued; and

(e) what is the position in this regard in Undertakings owned by various states?

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): (a) No instructions were issued to the State Government concerns including the Public Sector Undertakings to grant special benefits regarding reservation of vacancies and fixation of pay and seniority for released Emergency Commissioned and Short Service Commissioned Officers. However, the Public Sector Undertakings, under the Central Government, were advised to consider the feasibility of reserving posts for these officers and also to accord benefits regarding seniority and fixation of pay as are admissible on employment under the Ministries and Departments of the Central Government. Some public sector undertakings

have specifically reserved posts for Emergency Commissioned and Short Service Commissioned Officers.

(b) to (e). Do not arise.

Comparable Cost of Production of Steel with Imported Coking Coal and of Imported Steel

5083. SHRI P. GANGA REDDY: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether Government have examined the feasibility of importing good quality coking coal for producing steel in the country rather than going in for import of Steel, on a large scale; and

(b) what would be the cost of imported steel per tonne as against the cost of per tonne steel produced with imported coking coal?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) and (b). The feasibility of importing good quality coking coal for the Vijayanagar Steel Plant was examined in 1971. No definite conclusions were reached on account of the uncertainties regarding the availability of good quality coking coal from abroad on a long-term basis.

Licences issued to parties for production of "Smokeless Fuel"

5084. SHRI P. GANGA REDDY: Will the Minister of STEEL AND MINES be pleased to state:

(a) the names of the Parties in whose favour licences were issued by Government for the production of "smokeless fuel" and the progress of production with reference to each licence;

(b) whether the Singareni Collieries in Andhra Pradesh have put up any Plant in Kothagudem or in any other place for the production of "smokeless fuel" and, if not, the reasons therefor;

(c) whether Government have ascertained the precise reasons for lac of response and enthusiasm for the production of "smokeless fuel" in the country; and

(d) what steps are contemplated to expedite and encourage this fuel in the present context of acute shortage of natural gas for domestic purpose?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) The information is being collected and will be laid on the Table of the House.

(b) A proposal from the Singareni Collieries Company Limited for the setting up of a Low Temperature Carbonisation Plant in Andhra Pradesh for the production of smokeless domestic fuel is under examination.

(c) There is no lack of enthusiasm on the subject. Some State Government viz. West Bengal, Madhya Pradesh, Bihar, Maharashtra and Jammu and Kashmir Governments have proposed to set up Low Temperature Carbonisation Plants in their respective States and their proposals are under examination.

(d) Does not arise.

Uniformity in conditions Governing Issuance of Passports for Study in U.K., U.S.A. and U.S.S.R.

5085. SHRI BHOGENDRA JHA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) how many students in all have gone to U.S.A., U.K. or U.S.S.R. separately for studies during the last three years;

(b) whether any student can get passport for studies in U.K. and U.S.A. if the Universities concerned there are prepared to give him admission, but none can go to U.S.S.R. unless sponsored by the Ministry of Education or the ISCUS and, if so, the reasons therefor; and

(c) whether it is proposed to make the conditions for the issue of passports uniform in respect of these three countries?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) The information is being collected and will be laid on the Table of the House.

(b) Passport facilities are granted to students, like any other citizens of India, if they fulfil all the requirements prescribed under the Passports Act, 1967 and Passport Rules, 1967. There is no question of discrimination in the issue of passports to students going abroad for higher studies, if they fulfil all the requirements of the Passports Act, 1967.

(c) Does not arise.

Transport Facilities to Visiting VIPs for visiting Plant Sites

5086. SHRI CHANDRA SHEKHAR SINGH: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether the Bokaro Steel Company has any provision for providing transport facilities to visiting VIPs for visiting the various plant sites on official duties;

(b) if so, the number of VIPs who used this transport facility during the last three years;

(c) the number of occasions on which this transport facility was refused to VIPs, despite the existence of vehicle;

(d) the names of VIPs and the reasons for such refusal during the last three years; and

(c) the number of vehicles with the company till date and whether any surprise checks are made to see its misuse for private purposes by various officials?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) to (d). Bokaro Steel Ltd., maintains a pool of vehicles for use of important persons on official visits and officers on tour. The Company do not maintain the category-wise breakup of the persons who use the vehicles. However, there has been no occasion when the transport facilities were refused to VIPs on official visits to the Project.

(e) As on March 31, 1973 there were 334 passenger vehicles for construction/operation/maintenance and administrative Departments of Bokaro Steel Ltd. Rules for the use of vehicles provide adequate checks to ensure that there is no mis-use of the vehicles of the Company.

Work on Pay Bill of Workmen and Officers of Khetri Copper Project done by Computer

5087. SHRI D. K. PANDA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether work for Khetri Copper Project concerning Pay Bill of the workmen and officers and work of Accounts are taken from computer on contract from IBM, New Delhi;

(b) if so, what is the amount paid to IBM for the above work during 1971-72 and 1972-73 and the amount of T.A. and D.A. drawn monthly by the officers for visits to Delhi and back; and

(c) whether the computer system has decreased the expenditure at Khetri Copper Project or increased the expenditure?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) The work of processing pay bills of the workmen and officers is being done by Hindustan Copper Limited themselves by hiring time at IBM data centre. Some work concerning the accounts of the company is also being done by IBM on contract.

(b) The amount paid for the work is as follows:—

1971-72 Rs 73,900.

1972-73 Rs. 134,500.

The amount of TA/DA during 1972-73 was of the order of about Rs. 350 per month.

(c) As the processing of some work on computer has been started only recently and on a selective basis, it has not made any reduction in the cost, so far. However, the systems have brought efficiency into the work and have helped the management in keeping their workmen better informed on details of their wages etc.

Award of Contract of work of Chandmari Mine, by Hindustan Copper Limited

5088. SHRI D. K. PANDA: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether there is any proposal with Hindustan Copper Limited/Kherti Vopper Project to award the work of Chandmari Mine on contract and if so, who are the parties with whom negotiation is going on or likely to take place;

(b) whether workmen employed at Khetri and Kolihan Mine have by now gained sufficient experience and expertise from foreign consultants and agencies; and

(c) if so, the reasons why gained experience cannot be utilised and work completed departmentally under the control of Khetri Copper Project?

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA): (a) to (c). There is no proposal for the award of work for Chandmari Mine on contract The development of this mine will be done by Hindustan Copper Limited themselves.

Correction of Answer to USQ No. 660 dated 26-7-1973 Re. Plans for Increasing production and Profitability of Heavy Industry

THE DEPUTY MINISTER IN THE MINISTRY OF HEAVY INDUSTRY (SHRI SIDDHESWAR PRASAD): I beg to lay on the Table of the House a Statement correcting reply given on the 26th July, 1973 to Unstarred Question No. 660 regarding Plans for increasing production and profitability of Heavy Industry. [Placed in Library. See No. LT-5569-A/73.]

I also lay on the Table a Statement giving reasons for delay in correcting the reply.

Statement

"The incorrectness of the information furnished in reply to part (a) of the Unstarred Question No. 660 came to our notice later while dealing with another similar Parliament question and hence the delay in correction".

12.26 hrs.

PAPERS LAID ON THE TABLE

REVIEWS AND ANNUAL REPOTS OF MACHINE TOOLS CORPORATION OF INDIA LTD., AJMER AND HINDUSTAN MACHINE TOOLS LTD., BANGALORE FOR 1971-72

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI). I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(1) (i) Review by the Government on the working of the Machine Tools Corporation of India Limited, Ajmer, for the year 1971-72.

(ii) Annual Report of the Machine Tools Corporation of India Limited, Ajmer, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library. See No.* LT-5556/73].

(2) (i) Review by the Government on the working of the Hindustan Machine Tools

Limited, Bangalore, for the year 1971-72.

(ii) Annual Report of the Hindustan Machine Tools Limited, Bangalore, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library See* No. LT-5557/73]

STATEMENT OF CASES IN WHICH LOWEST TENDERS WERE NOT ACCEPTED BY INDIA SUPPLY MISSION, LONDON AND INDIA SUPPLY MISSION, WASHINGTON

THE MINISTER OF SUPPLY (SHRI SHAHNAWAZ KHAN): I beg to lay on the Table a statement of cases in which lowest tenders have not been accepted by the India Supply Mission London and India Supply Mission, Washington for the half year ending the 30th June 1973 [*Placed in Library See* No LT-5558/73].

REVIEW AND ANNUAL REPORT OF NATIONAL MINERAL DEVELOPMENT CORPORATION LTD., NEW DELHI FOR 1971-72

THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND MINES (SHRI SUBODH HANSDA) I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub section (1) of section 619A of the Companies Act, 1956 —

(i) Review by the Government on the working of the National Mineral Development Corporation Limited, New Delhi, for the year 1971-72.

(ii) Annual Report of the National Mineral Development Corporation Limited, New Delhi, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library. See* No. LT-5559/73].

NOTIFICATIONS UNDER CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, ANNUAL REPORT ON WORKING OF EMPLOYEES' PROVIDENT FUND AND FAMILY PENSION SCHEMES, AND EMPLOYEES PROVIDENT FUND (THIRD AMENDMENT) SCHEME, 1973

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITION (SHRI G VENKATASWAMY) I beg to lay on the Table -

(1) (a) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 —

(i) The Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1972, published in Notification No. G.S.R. 1649 in Gazette of India dated the 30th December, 1972.

(ii) The Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1973, published in Notification No G.S.R 200 in Gazette of India dated the 24th February, 1973

(iii) The Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1973, published in Notification No. G.S.R. 599 in Gazette of India, dated the 2nd June, 1973.

(b) A statement (Hindi and English versions) showing reasons for delay in laying the Notifications mentioned at (i) and (ii) above. [*Placed in Library. See* No. LT-5560/73].

(2) A copy of the Annual Report (Hindi and English versions) on the working of the Employees' Provident Fund and Family Pension Schemes, 1952 for the year 1971-72 [*Placed in Library. See* No. LT-5561/73].

(3) A copy of the Employees' Provident Fund (Third Amendment) Scheme, 1973 (Hindi and English versions) published in Notification No. G S.R. 843 in Gazette of India dated the 4th August, 1973, under sub-section (2) of section 7 of the Employees' Provident Funds and Family Pension Fund Act, 1952. [*Placed in Library. See* No. LT-5562/73]

12.27 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

(i) "I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Thursday, the 23rd August, 1973, adopted the following motion in regard to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes:—

MOTION

"That this House concurs in the recommendation of the Lok Sabha that a Committee of both the Houses to be called the 'Committee on the Welfare of Scheduled Castes and Scheduled Tribes' be constituted for the purposes set out in the motion adopted by the Lok Sabha at its sitting held on the 13th August, 1973 and communicated to this House, and resolves that this House do join in the said Committee and proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote and by secret ballot, ten members from among the members of the House to serve on the said Committee."

2 I am further to inform the Lok Sabha that in pursuance of the above motion, the following Members of the Rajya Sabha have been duly elected to the said Committee:—

1. Dr. Z A. Ahmad
2. Shri Todak Basar
3. Shri Jamnalal Berwa
4. Shri N P. Chaudhari
5 Shri Kalyan Chand
6. Shri N. H. Kumbhare
7. Shri Bhaiya Ram Munda
8 Shri Sundarmani Patel
9. Miss Saroj Purshottam Khaparde
10. Shri Shyam Lal Yadav."

(ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No. 3 Bill, 1973, which was passed by the Lok Sabha at its sitting held on the 23rd August, 1973 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no

recommendations to make to the Lok Sabha in regard to the said Bill."

(iii) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Cinematograph (Second Amendment) Bill, 1973, which has been passed by the Rajya Sabha at its sitting held on the 27th August, 1973."

CINEMATOGRAPH (SECOND AMENDMENT) BILL

AS PASSED BY RAJYA SABHA

SECRETARY: Sir, I lay on the Table of the House the Cinematograph (Second Amendment) Bill, 1973, as passed by Rajya Sabha.

12.29 hrs.

COMMITTEE ON SUBORDINATE LEGISLATION

EIGHTH REPORT

SHRI S. N. MISRA (Kannauj): I beg to present the Eighth Report of the Committee on Subordinate Legislation.

MINES (AMENDMENT) BILL

(i) REPORT OF JOINT COMMITTEE

SHRI M. C. DAGA (Pali): Sir, I beg to present the Report of the Joint Committee on the Bill further to amend the Mines Act, 1952.

(ii) EVIDENCE

SHRI M. C. DAGA: Sir, I beg to lay on the Table the record of evidence tendered before the Joint Committee on the Bill further to amend the Mines Act, 1952.

12.30 hrs.

COMPANIES (AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

SHRI NAWAL KISHORE SHARMA (Dausa): Sir, I beg to move:

"That this House do further extend upto the last day of the first week of the next session, the time for the presentation of the Report of the Joint Committee on the Bill further to amend the Companies Act, 1956, the Securities Contracts (Regulation) Act, 1956 and the Monopolies and Restrictive Trade Practices Act, 1969"

MR. SPEAKER: In the statement of reasons for asking for extension of time to submit the report, you have said:

"The Committee have held 33 sittings so far. The Committee completed hearing of oral evidence on the Bill in June, 1973.

The Committee have been granted 3 extensions—the last extension was granted on the 27th July, 1973 upto the last day of the current session.

At the sitting held on the 16th August, 1973 the members felt that it would not be possible for them to take up clause-by-clause consideration of the Bill during the session period."

How long will you take now?

SHRI NAWAL KISHORE SHARMA: We hope at the next session we will be able to submit the report.

MR. SPEAKER: Are you sure?

SHRI NAWAL KISHORE SHARMA. Yes, Sir.

MR. SPEAKER: So, the question is:

"That this House do further extend upto the last day of the first week of the next session, the time for the presentation of the Report

[Mr Speaker]

of the Joint Committee on the Bill further to amend the Companies Act, 1956, the Securities Contracts (Regulation) Act, 1956 and the Monopolies and Restrictive Trade Practices Act, 1969."

The motion was adopted

12.32 hrs

MATTERS UNDER RULE 377

(i) INJUSTICE IN ACQUISITION OF AGRICULTURAL LANDS BY BHILAI STEEL PLANT

श्री चन्दूलाल चन्द्राकर (दुर्ग) भिलाई इस्पात कारखाने के मैनेजमैंट द्वारा वहां के कर्मचारियों और आस पास के किसानों के साथ हो रहे अन्याय की ओर मैं मंत्री महोदय का ध्यान दिलाना चाहता हूं और अनुरोध करना चाहता हूं कि वे इस अन्याय को दूर करने की कृपा करें। भिलाई स्टील प्लान्ट के लिए लोगों से अधिक गांवों की जमीन का सरकार द्वारा लिया गया। अभी भी वहां हजारों एकड़ जमीन खाली पड़ी हुई है। उसके बावजूद भी भिलाई स्टील प्लांट के मैनेजमेंट ने दो गांवों की जमीन का जिन में से एक का नाम चुरेना गांव है जमीन एक्वायर करने के आर्डर्स इशु किए है। आस पास के गांवों के लोग मैनेजमैंट के इस रुख से बड़े परेशान है। उनके पास पहले ही बहुत अधिक जमीन खाली पड़ी हुई है। मनेजमैंट के अफसर लोगों ने एक काओपरेटिव फार्म बना लिया है जो लगभग 800 या 1000 या 1200 एकड़ का है जिस में वे खेती करते है, लेकिन सारा खर्च सरकार का होता है, पानी, बिजली बाबर्ड बायर, ट्रैक्टर सब तो सरकार के खर्चे पर होते है लेकिन जो आमदनी होती है चाहे यह धान की फसल हो या सब्जी हो मैनेजमैंट के अफसरों के यहां चली जाती है। इस कारण स्थानीय जनता परेशान है। कई सालों से लोग कहते आ रहे हैं कि जो जमीन खाली पड़ी हुई है उसका उपयोग सरकार नहीं कर सकती है तो वह उनको लीज पर दे दें, एक एक सौ की लीज पर दे दी जाए ताकि जब कभी सरकार को जरूरत पड़े तो उस को लिया जा सके और वे देखें। लेकिन ऐसा नहीं हुआ। किसानों को न देकर के मैनेजमैंट के जो अफसर स्टील प्लांट की जमीन का दुरुपयोग करते है। उसके बावजूद और जमीन एक्वायर करने के आर्डर्ज इशु हो गये हैं।

भिलाई स्टील प्लांट में उत्पादन बहुत अच्छी तरह से अभी तक होता रहा है। लेकिन अब वहां इंडस्ट्रीअल रिलेशंस बहुत तेजी से खराब हो रहे है। चाहे प्रमोशन, चाहे ट्रान्सफर्ज और चाहे नियुक्ति का सवाल हो, मत की बजह से वह खराब हो रहे हैं और खतरा पैदा हो रहा है कि आगे चल कर उत्पादन कहीं कम न हो जाए। मैं दो तीन उदाहरण देना चाहता हूं। पहला तो यह है कि वहां एक एजुकेशन अफसर की जो नियुक्ति हुई है उस के खिलाफ बड़ा जबर्दस्त असंतोष है और आन्दोलन है। उसके साथ साथ चार डिप्टी एजुकेशन अफसर एपाइंट किए जा रहे है उनके खिलाफ भी वहां काफी आन्दोलन है। तीन चार लोगों को या तो बिना कारण नौकरी से अलग कर दिया गया है या ट्रान्सफर कर दिये गये हैं। एक दो नाम मैं आप को बताना चाहता हूं। रामन राम को बिना किसी खास कारण के नौकरी से हटा दिया गया। असिस्टेंट लेबर आफिसर श्री द्विवेदी की ट्रान्सफर कर दिया गया बिना कारण। कहने का मतलब यह है कि वहां जो मैनेजमैंट है वह मनमानी नियुक्तियां, प्रोमोशन और टर्मिनेशन आफ सर्विसिस कर रहा है।

भिलाई स्टील प्लान्ट के कर्मचारियों को जो बोनस दिया जा रहा है। वह 8 1/3 दिया जा रहा है। वहां इस्पात का उत्पादन बहुत अधिक होता है। वहां के कर्मचारियों को और इस्पात कारखाने के कर्मचारियों से अधिक

दिया जाना चाहिए । यहां उत्पादन नब्बे प्रतिशत है ।

मंत्री महोदय चूंकि नहीं आये हैं इस लिए शायद उनको इन सब चीजों की जानकारी नहीं होगी । इस लिए मैं उनसे यही कहना चाहता हूं कि जो गांवों की जमीन को एक्वायर किया जा रहा है उसका तत्काल रोकने के लिए आदेश जारी करें ।

MR. SPEAKER: Shri Shyamnandan Mishra.

(*Interruptions.*)

MR. SPEAKER: Order please. I have called Shri Shyamnandan Mishra.

(*Interruptions.*)

(ii) SERIOUS FOOD SITUATION IN KERALA

SHRI SHYAMNANDAN MISHRA (Begusarai): I have to bring to your notice the extremely critical food situation in Kerala. Here I have got a sample of the food that is supplied They supply such a misreable quantity the people per head that even an infant cannot subsist on this. It is only a morsel of food. About 80 persons including women and important public workers, AICC Members, PCC, DCC Members have come from Kerala and were proceeding to Parliament House to present a Memorandum to you and the Prime Minister and the Chairman of the other House. They have been arrested this morning, with Shri Mahavir Tyagi, who is the leader of our party in the other House and one of the senior leaders in the country. Some urgent steps should be taken immediately to restore the cut in ration in Kerala. They are getting reduced supply. It has been reduced by fifty per cent, and the Centre is not meeting its obligation to the State. The situation would go out of hand and people would really face starvation. Many persons have died as a result of exhaustion I have got the sample. Can anybody say that this is adequate? (*Interruptions*) I request the Government to take immediate action in the matter.

SHRI DINEN BHATTACHARYYA (Serampore): Yesterday, I was trying to draw your attention to allow me to arise this matter about the acute food situation in Kerala where the trains have been stopped; students are not going to schools. It is strange that when this is the situation there, no step is taken by the Centre at least to see that the minimum food requirement is sent from the Centre so that this situation might get changed.

The Minister for food and Agriculture is here. He must make a statement on this. In Delhi many people have been arrested. (व्यवधान)

अध्यक्ष महोदय जब सब मैम्बर साहब इकट्ठे बोलते हैं, तो कोई बात सुनाई नहीं देती है और कोई बात रिकार्ड पर भी नहीं आती है । (व्यवधान)

SHRI SHYAMNANDAN MISHRA: The Food Minister is here. Why have the people who have come here in search of food from Kerala been arrested? (*Interruptions*).

MR. SPEAKER: I allowed Shri Mishra and even Shri Bhattacharyya. What do you want to say, Mr. Limaye?

SHRI K. S. CHAVDA (Patan): This is not complete. Many people including some women have ben arrested. So, the Minister must say something with regard to this. Even Shri Tyagiji has been arrested.

अध्यक्ष महोदय : एक तरफ आप लोग मुझे कहते हैं कि मैं फूड मिनिस्टर से स्टेटमेंट देने के लिए कहूं और दूसरी तरफ आप लोग बैठते नहीं हैं, तो कि मैं कुछ कह सकूं

SHRI SHYAMNANDAN MISHRA: Why have they arrested those who have come from Kerala in search of food?

MR. SPEAKER: Would you like to make a statement now or later?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHEB P. SHINDE): We are at your disposal.

SHRI DINEN BHATTACHARYYA: Tell us the quota fixed for Kerala.

SHRI SHYAMNANDAN MISHRA: Why have the people, who have come from Kerala in search of food, been arrested?

श्री अटल विहारी वाजपेयी : (ग्वालियर) अध्यक्ष महोदय, इसका एक पहलू ऐसा है, जिस का सम्बन्ध आपसे है। केरल की खाद्य स्थिति का प्रश्न अलग है, लेकिन जो लोग पार्लियामैंट के सामने प्रदर्शन करने के लिए आते है, आप मेमोरेंडम देने के लिए आते है, क्या उन्हे आपके पास आने के लिए इजाजत नही होनी चाहिए ? वे लोग पार्लियामैंट के मैम्बर के साथ आ रहे थे।

अध्यक्ष महोदय प्रदर्शन तो बाहर हो जाता है। (**व्यवधान**) मैम्बर माहबान एक एक कर के बोले। सब एक साथ खडे न हो जाए। (**व्यवधान**)

12.44 hrs.

RE. BUSINESS OF THE HOUSE

श्री मधु लिमये (बांका) अध्यक्ष महोदय, मुझे यह बताया गया है कि 5 सितम्बर तक आप कोई ध्यान दिलाने की नोटिस नही स्वीकार करने जा रहे है।

अध्यक्ष महोदय यह बिजिनेस एडवाईजरी कमेटी का फैसला है।

श्री मधु लिमये मंत्री महोदय अल्प सूचना प्रश्न का उत्तर नही देना चाहते है। उत्तर प्रदेश मे नौ करोड लोग निवास करते है। वहा वर्षा के अभाव के कारण 6000 लिटर राइट विजनों का शार्टेज [illegible] हो गया है और सारे परिवार मैं बुखार है। आपने रूल 377 के अधीन नोटिस का स्वीकार नही किया है। मैं कोई व्यवधान नहीं डालना चाहता हूं। लेकिन आप हमें कोई रास्ता बताइए। मंत्री महोदय शार्ट नोटिस क्वस्चन को स्वीकार नही करते हैं और आप कालिंग एटेन्शन नोटिस और नियम 377 के अधीन नोटिस को स्वीकार नही करते हैं। इस स्थिति मे हम क्या करे ? 5 सितम्बर तक सेशन बढ़ाने का क्या मतलब है, अगर हम जनता के प्रश्नो को यहा न उठा पाऐ ? मैं ने यह सवाल आपसे पूछा है। आप इस बारे मे कोई व्यवथा दें।

अध्यक्ष महोदय यह हाउस का फैसला है और मै उसका पाबंद हू। इस बारे में पार्टियो के लीडर्ज की मीटिंग हुई थी। यह हाउस का फैसला है।

श्री मधु लिमये : जब हम अल्प सूचना प्रश्न नही दे सकते, क्योकि मंत्री महोदय उन को स्वीकार नही करते है और कालिंग एटेन्शन नोटिस की और नियम 377 के अधीन कोई मामला उठाने की आप इजाजत नही देगे, तो फिर जनता के सवालो को उठाने का और कोई तरीका नही है। (**व्यवधान**)

अध्यक्ष महोदय मैम्बर्ज एक साथ बोल रहे है। (**व्यवधान**) आप कैसे यह तवक्को रखते है कि मै पाच सात मैम्बरा को एक साथ सुन सकू ? (**व्यवधान**)

श्री फूलचन्द वर्मा (उज्जैन) : अध्यक्ष महोदय, आप सब सदस्यो को बारी बारी मौका दीजिए। (**व्यवधान**)

अध्यक्ष महोदय माननीय सदस्य बार-बार क्यो उठते है। जब मैं किसी मैम्बर को बुलाऊ, तभी उस को उठना चाहिए। (**व्यवधान**)

श्री मधु लिमये अध्यक्ष महोदय, मैं ने जो सवाल उठाया है क्या आप उसके बारे मे कुछ कहेंगे ?

अध्यक्ष महोदय : मैं कुछ नहीं कहूंगा।

श्री मधु लिमये : तो क्या 5 सितम्बर तक ऐसे ही चलेगा कि जनता के प्रश्नों पर चर्चा नहीं होगी और के ल बिलों पर ही चर्चा होगी ?

अध्यक्ष महोदय : हाउस ने, आप लोगों ने, यह फैसला किया है कि :

For the next three days, there will be discussion on planning

और इन दिनों में और कोई काम नहीं करना है ।

श्री मधु लिमये : आप इस फैसले पर पुनर्विचार कीजिए ।

SHRI S. A. SHAMIM (Srinagar): I had given notice of a motion regarding discussion on the Indo-Pakistan agreement. I would like to know the fate of that. What has happened to that? What have you decided?

SHRI INDRAJIT GUPTA (Alipore): May I also make a submission on this point? When the Business Advisory Committee held its last meeting, it was not possible for it to anticipate the developments that would take place subsequently. In view of this agreement being really a historic agreement, I think some time, however brief, even if it be an hour or so only, should be found to give this House an opportunity to express its approval of this agreement....

SHRI PILOO MODY (Godhra): Or disapproval.

SHRI INDRAJIT GUPTA: This is something which is very necessary from the national and international point of view. It is very necessary that the Parliament of India, having taken into consideration this agreement, should express a certain view representing the popular will of this country. I think, therefore, that some time, however brief, should be found for this.

SHRI BHAGWAT JHA AZAD (Bhagalpur): We support this. We want this matter to be discussed. It is an important and historic agreement for the sub-continent, and we want to discuss it, even if it be for a short while.

SHRI AMRIT NAHATA (Barmer): We shall be failing in our duty if we did not discuss this agreement.

SHRI PILOO MODY: I oppose this demand.

MR. SPEAKER: If hon. Members want to discuss this, I cannot just turn down what the House had decided earlier. I shall call a meeting of the Business Advisory Committee and ask that committee to allocate time for this.

SHRI PILOO MODY: I shall argue against it.

SHRI INDRAJIT GUPTA: When would you be calling that meeting? It has to fit in with the other meetings which are already there.

MR. SPEAKER: Already, two meetings are fixed for the evening, the General Purposes Committee meeting and one other. We have not been able to fix this, because I did not know that hon. Members would raise this matter. So, tomorrow if you so want we may call a meeting of the Business Advisory Committee.

SHRI INDRAJIT GUPTA: How could we raise it earlier? The agreement was laid on the Table of the House only yesterday.

MR. SPEAKER: If it is to be discussed, Government have to be informed, and we have to allocate the time. After all, it cannot be done suddenly like this.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): You have suggested a meeting of the Business Advisory Committee tomorrow. But I may

[Shri K. Raghu Ramaiah]

bring to your kind notice and the notice of the House that as already intimated to this House, the External Affairs Minister Shri Swaran Singh will be leaving tomorrow afternoon or night. So, any discussion that you may want would be possible only tomorrow.. .

SHRI INDRAJIT GUPTA: But the Prime Minister is there.

SHRI K. RAGHU RAMAIAH: The Prime Minister is here on the 3rd September only. Since you were calling a meeting of the Business Advisory Committee, I thought that I might just inform you so that you may kindly decide when to hold the meeting in the light of this.

MR. SPEAKER: If hon. Members say that it could be had just for one hour, I cannot believe it. Even if we fix two hours I know that nobody is going to stick to it. At least 4 hours will be needed for it.

SHRI PILOO MODY: No discussion.

MR. SPEAKER: So, we have to find enough time for it. In that case, hon. Members will have to give up the discussion on planning.

SHRI SHYAMNANDAN MISHRA: No, Sir.

SHRI MADHU LIMAYE: No discussion is necessary on planning. There is no planning.

SHRI SHYAMNANDAN MISHRA: There were two or three very vital objects which we wanted to discuss. One was the approach to the Fifth Five Year Plan, and another was the no-confidence motion. As regards the no-confidence motion, since the Prime Minister is going to leave the country on the 3rd night itself, we have to consider now in what way and on what day this no-confidence motion can be accommodated.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): There is no question of accommodating it.

SHRI SHYAMNANDAN MISHRA: We had tentatively decided that we would take it up on the 5th of next month. But now since the Prime Minister is taking away two days of our valuable time, and she would not be present with us in the House after the 3rd September, with whom shall we be discussing the no-confidence motion?

MR. SPEAKER: Did you consult an astrologer and ascertain that that day is very auspicious for that? Otherwise, there were so many other days available. The whole session was available for that.

SHRI SHYAMNANDAN MISHRA: This was decided in your presence and under your chairmanship. Probably the astrologer could be the Chair!

SHRI PILOO MODY: At the meeting, there was only one person present who looked like an astrologer.

MR. SPEAKER: If there is any auspicious star in this, you had better ask what is the next auspicious star for it. If it cannot be had this session, he can have it in the next session when an auspicious star will be favouring him, other than the 5th of next month.

SHRI SHYAMNANDAN MISHRA: Probably the Prime Minister's stars indicated that she should leave this country on the 3rd.

SHRI BUTA SINGH (Rupar): You were pleased to inform us about the decision of the House about a call attention. I have no desire to disagree with the decision of the House, but, as rightly pointed out by my hon. friend, Shri Madhu Limaye, if things like shooting down of agricultural labourers and Harijan boys by the police are happening in States which are under President's rule like Andhra Pradesh (in East Godavari district), you should find out some avenue at least in this House, so that if the call attention cannot be admitted or a question cannot be admitted, the Minister in charge should make a state-

ment informing us about the situation. Because, we are receiving very alarming news; people have been attacked; they have been wounded. They are on their death-bed. The Minister in charge should make a statement so that we can at least know the latest position.

MR. SPEAKER: You please write to me. I will ask the Minister to come with a statement.

SHRI SYED AHMED AGA (Baramulla). The agreement which has been entered into between India and Pakistan is a historic achievement The Lok Sabha will not be doing justice to it if it does not discuss it. There may be other issues before us, but they are not so very important As regards the no-confidence motion, this has been coming all these years and I have seen the fate of these motions That can wait, but this can not It is a historic achievement and we should discuss it

SHRI PILOO MODY Achievement? They should have done it a year ago Why did they not do it a year ago?

RE ALLEGED PRINTING OF POSTERS BY DAVP FOR DELHI UNIVERSITY STUDENTS UNION ELECTIONS

श्री फूल चंद वर्मा (उज्जैन) अध्यक्ष महोदय, मैं आपका आभारी हू कि आपने मुझे बोलने की अनुमति दी है। विजिनेम एडवाइजरी कमेटी के निर्णय के अनुसार आप कालिंग एटेन्सन नोटिस एक्सप्ट नही करते हैं। इसलिए मैने इस मामले के सम्बन्ध मे नियम 377 के मातहत नोटिस दिया था।

हाल ही मे दिल्ली विश्वविद्यालय मे छात्र यूनियनो के जो चुनाव हुए है, उन मे डायरेक्टर आफ आडियो-विजुअल पब्लिसिटी के कांग्रेस के उम्मीदवारो के लिए पाच लाख रुपये के पोस्टर छापे। यह बडा गम्भीर

1791 LS—7

आरोप है कि केन्द्रीय सरकार इस प्रकार छात्रो के चुनावो मे डायरेक्ट हस्तक्षेप कर रही है। कांग्रेस के लोग चाहते थे कि ये चुनाव निष्पक्ष न हो उनके इशारे पर इस डायरेक्टरेट ने इतना रुपया खर्च कर के, प्रजातांत्रिक ढग से जो चुनाव हो रहे थे, उन मे बाधा डाली है। (व्यवधान)

कल 31 अगस्त को शिक्षक सघ के चुनाव होने जा रहे हैं। उस के सबध मे भी डायरेक्टर आफ आडियो-विजुअल पब्लिसिटि के द्वारा इसी प्रकार के पोस्टर छपवा कर काफी मात्रा मे वितरित किये जा र है। मैं निवेदन करना चाहता हू कि इस तरह की परम्परा को रोकना चाहिए। इस से प्रजातत्र को खतरा है। जहा तक सरकार का सवाल है वह एक निकम्मी और भ्रष्ट सरकार है। वह अपने राजनैतिक उद्देश्यो की पूर्ति के लिए हर प्रकार के गलत हथकडे अपना रही है। मेरी माग है कि इस सारे काड की जाच होनी चाहिए। (व्यवधान)

श्री अटल बिहारी वाजपेयी (ग्वालियर) अध्यक्ष महोदय, जो मामला मै उठाना चाहता हू, वह इस सदन की कार्यवाही से भी सबधित है और बाहर से भी। भारत और पाकिस्तान मे जो समझौता हुआ है, उस की एक प्रति सदन की मेज पर रखी गई, लेकिन उसके हिन्दी अनुवाद के कापी नही रखी गई। इस के अतिरिक्त देश मे हिन्दी के जो इतने अखबार निकलते है, उन्हे भी समझौते का हिन्दी अनुवाद उपलब्ध नही कराया गया। सरकार के खास चौबीस घटे थे। इस समय मे वह समझौते का हिन्दी अनुवाद करा सकती थी। उस को समझौते का हिन्दी अनुवाद कल छ बजे हिन्दी के अखबारो को देना चाहिए था।

पण्डित सहोदय : उन्होंने इंगलिश में भाषण किया और मिनिस्टर साहब ने ऐसे ही रख दिया।

श्री अटल बिहारी वाजपेयी : इस समय हिन्दी और अंग्रेजी दोनों हमारी राज्य भाषाएं है। जो भी कागज सदन की मेज पर रखा जाता है, उस के हिन्दी और अंग्रेजी दोनों संस्करण रखे जाते है। कल मंत्री महोदय ने समझौते का हिन्दी संस्करण मेज पर नहीं रखा। हिन्दी के प्रैस को भी समझौते का हिन्दी अनुवाद नहीं दिया गया। इस का परिणाम यह होता है कि हिन्दी प्रैस पिछड़ जाता है और अंग्रेजी के अखबार पहले समाचार दे देते है। (व्यवधान) हिन्दी की यह उपेक्षा ठीक नहीं है।

MR SPEAKER: Order please. I am passing on to the next item. No more interruptions.

श्री दीनेन भट्टाचार्य (सीरमपुर) खाली हिन्दी में नहीं एग्रीमेंट का बंगला और उर्दू अनुवाद भी देना चाहिए, जिससे बंगला देश और पाकिस्तान के लोग भी उस को पढ़ सकें (व्यवधान) सब भाषाओं में देना चाहिए।

श्री अटल बिहारी वाजपेयी : और भाषाओं में भी दिया जाए हमें एतराज नहीं है लेकिन जब तक यहां हिन्दी की बात नहीं आई तब तक भारतीय भाषाओं के ये प्रेमी चुप बैठे थे। (व्यवधान)

श्री भागवत झा आजाद (भागलपुर) बंगला और दूसरी भाषाओं में भी उस का अनुवाद होने पर हमें कोई एतराज नहीं है। लेकिन हिन्दी अनुवाद अवश्य दिया जाना चाहिए। वह देश की प्रथम राजभाषा। (व्यवधान)

श्री दिनेन भट्टाचार्य बंगला देश की राजभाषा बंगला है। बंगला में उसका अनुवाद जरूर होना चाहिए। (व्यवधान)

श्री भागवत झा आजाद (भागलपुर) दूसरी भाषाओं में भी उसका अनुवाद होना चाहिए। लेकिन हिन्दी में अनुवाद जरूर होना चाहिए।

MR. SPEAKER: Please sit down. We must have the proceedings televised! The people must see what you are doing; how are you behaving in this Parliament People should also see; the whole country should see it.

मैं चाहता हूं कि हाउस की कार्यवाही को टेलीवाइज किया जाए ताकि बाहर लोग यह जज कर सकें की हम कैसे इस हाउस का काम चलाते है।

श्री मधु लिमये अध्यक्ष महोदय ताशकंद में श्री लालबहादुर शास्त्री ने प्रेजिडेंट अयूब से हिन्दुस्तानी उर्दू में बातचीत की थी। इस लिए समझौते के हिन्दी अनुवाद की मांग बिल्कुल जाइज है।

13 hrs

SHRI P G MAVALANKAR (Ahmedabad) I want to raise a point of order on what has been going on for the last half an hour

MR SPEAKER You are making a submission If you want to make a submission, it is all right But if you want to raise a point of order, I must know on what business

SHRI P G MAVALANKAR I want to make a most respectful submission to you regarding the order or the House For the last several months I have been finding that some of us give notices under rule 377 and strictly go by procedure and when we are not permitted we abide by your ruling; we do not get up even once.

MR. SPEAKER· 377 is not a right. I am not going to allow 377 all the

time. Please do not make it part of daily routine. Whatever is important, I allow. Do not ask for it as a matter of right.

SHRI P. G. MAVALANKAR: I am on a different point. We abide by your ruling. But several Members of the House, inspite of your ruling on a particular matter, take it up and are even supported by their leaders. Even when you are not permitting some Members, they get up and defy your authority and ultimately you give them permission.

MR. SPEAKER: You are also doing the same.

SHRI P. G. MAVALANKAR: Their leaders also plead for them and ultimately you give in. But what happens to people like us? We are not supported by any party. If you disallow something, you should not allow anybody to bring up that matter. Otherwise, people who defy your authority on the floor of the House, who shout and defy you get permission ultimately, while we sit silent, abiding by your ruling.

MR. SPEAKER: May I know you are doing now? I find only two solutions to your point of order. One is: I shall call you every morning and I will place all the 377s, call attention, etc. before you and accept your advice, which of them to admit. Secondly, I will nominate you on the Panel of Chairmen and see how you behave differently from me; then I will learn from you new standards. That will give me a barometer as to how far you are able to keep up the great traditions set up by your illustrious father I will have to nominate you and put you in the Chair. I wonder if you yourself will be able to do it or not; I shall stand to learn from you.

SHRI PILOO MODY: On the point made by Shri Vajpayee, he wanted a translation of the Treaty or accord or whatever it is that we have signed. Last time when the Indo-Soviet Treaty was signed, the Hindi translation was made in Moscow by Russians, and not in Delhi by Indians. I would like to know from Mr. Vajpayee whether he wants a translation this time from Islamabad or from Delhi?

SHRI ATAL BIHARI VAJPAYEE: Shall I reply to it?

MR. SPEAKER: I think we should not go into this controversy. Leave it to me. I will do it.

SHRI PILOO MODY: We want it in Hindi, not in Gurmukhi.

MR. SPEAKER: I am going to buy that dictionary whichever Madhu Limaye uses.

13.05 hrs

CODE OF CRIMINAL PROCEDURE BILL—*Contd.*

MR. SPEAKER: We shall now take up further consideration of the Code of Criminal Procedure Bill.

Shri M. C. Daga.

श्री मूल चन्द डागा (पाली): अध्यक्ष महोदय, 1973 के अन्दर सी० आर०पी०सी० मे आपने जो सशोधन किये हैं, उनके बाद भी आज पुलिस अधिकारी किसी भी आदमी को पकड सकता है, कितने घन्टो तक अपनी पुलिस लाकडी म रख सकता है, सैक्शन 109 आज भी इस मे मौजूद है। इस सैक्शन के अन्तर्गत किसी भी आदमी को सम्पीजम सर्कमस्टान्सेज मे पकडने का अधिकार पुलिस अधिकारी को दिया गया है।

आप इस बात के लिए दावा करेंगे कि सी०आर०पी०सी मे आप ने सशोधन कर लिये हैं, लेकिन मैं इस मे कुछ ऐसी बात, बुनियादी बातें चाहता हूं जिससे गरीब

[श्री मूल चन्द दागा]

लोगों को सस्ता और सुगम न्याय मिले, शीघ्र न्याय मिले। आप ने साढ़े आपरेशन्ज किये हैं मेजर आपरेशन्ज नहीं किये हैं। 109 के अन्दर आप आज भी किसी आदमी को पकड़ सकते हैं और हम ने कई बार देखा है—

"When a Judicial Magistrate of the first class receives information that there is within his local jurisdiction a person taking precautions to conceal his presence and there is reason to believe that he is doing so with a view to committing a cognizable offence..."

अब 151 क्या कहता है —— वह भी यही बात कहता है। 151 में लिखा है——

"A police officer knowing of a design to commit any cognizable offence may arrest, without orders from Magistrate and without a warrant, the person so designing if it appears to such officer that the commission of the offence cannot be otherwise prevented."

जब यह प्राविजन यहां है तो आप 109 को क्यों रखना चाहते हैं, 109 की क्या जरूरत है। क्या आप चाहते हैं कि देश के अन्दर पुलिस वाले किसी भी आदमी को गिरफ्तार कर लें ? मैं कई बार देख चुका हूं—— 109 के अन्दर, 107 के अन्दर आज की पुलिस अधिकारों का कितना मिसयूज करती है—— इस लिए मुझे बतलाइये कि 109 की क्या जरूरत है। अगर आप कोई मेजर आपरेशन नहीं कर सकते हैं तो छोटी छोटी बातों के आपरेशन से कोई फायदा नहीं है। 151 मौजूद है उससे समस्या हल हो जायेगी। 109 की जरूरत ही नहीं है। इस देश में आर्थिक हालत इतनी ज्यादा खराब कब हुई है ? कोई भूखा आदमी है घूम रहा है उससे आप कह दें कि चालिए 109 में। इसमें आज गरीब आदमी को ही पकड़ा जाता है। 107 में एक प्राविजन रखा है लेकिन आज भी अदालत के सामने जाने के बाद एक गरीब आदमी कभी यह नहीं कहता कि पुलिस वालों ने मुझे मारा है। पुलिस वाले उसके पास खड़े रहते हैं, पब्लिक प्रासीक्यूटर पास खड़ा रहता है, थानेदार बाहर खड़ा रहता है। वह यह सकता है मुझे चोटें पहुंचाई है लेकिन नहीं। मुझे दुख है 54 में है ——

"The magistrate shall, if requested by the arrested person so to have an examination of the body ..."

मजिस्ट्रेट को चाहिए कि वह पुलिस वालों से कहे कि आप बाहर चले जाइये और उसको देखना चाहिए कि उसके कोई इन्जरीज वगैरह है या नहीं। आज मैं कहता हूं 25 साल के बाद भी पुलिस की वही हालत है, गरीब आदमी बोल नहीं सकता है, उसके मुंह में जबान नहीं है, वह हिम्मत नहीं कर सकता है कि मैजिस्ट्रेट के सामने यह कह दे कि पुलिस ने मुझे मारा। इसलिए मैजिस्ट्रेट को खुद एग्जामिन करना चाहिए और वह पुलिस वालों से कहे कि आप बाहर चले जाइये।

167 में आप कहते हैं 90 दिन के लिए पुलिस कस्टडी में रखा जा सकता है। पुलिस कस्टडी में एक आदमी को 15 दिन रखने का मतलब उसकी मौत है, 20 दिन में उसकी जान निकल जाती है। फिर उसमें रहते कौन हैं चुन्नु मुन्नु ही वहां रहते हैं। वही गरीब आदमी जिनके कोई नहीं है वही वहां पर रहते हैं वरना बड़ा आदमी कोई भी पुलिस कस्टडी में नहीं रहता है। सिर्फ गरीब लोगों को ही हैरास करके वहां पर रखा जाता है। बड़ी अजीब बात है उसमें आप कहते हैं 90 डेज। कल अखबारों में निकलेगा कि

क्रिमिनल प्रोसीजर कोड मे बडे अमेडमेन्ट्स कर दिये लेकिन यह तो टिट बिट्स हैं । आप 167 मे रिमान्ड देते है ।

The police officer or the PSI comes to the magistrate and says "we want to make further enquiry; so, please give us a remand" The accused cannot defend himself because he is not entitled to the diary prepared by the police It is a secret If I say I am a counsel, I want to see it, the magistrate says "I am not going to allow you to see that document'

167 मे आप उनका पावर्स दीजिए कि वह डाकूमेंट्स को देख सकें । उसमे आप रखे कि यह डायरी उसको भी दी जाये । तभी तो समझा जा सकता है रिमान्ड के काबिल है । आपने 469 मे तीन महीने 6 महीने, वन ईयर की लिमिटेशन क्या फिक्स की है ? (व्यवधान) जब आप क्रिमिनिल प्रोसीजर कोड को अमेन्ड करना चाहते थे तो मैं चाहता था (व्यवधान) जो विटनेसेज है उनकी एफिडेविट्स ली जाये प्राइवेट मे, देन एड देयर कि कम्प्लेन्ट एक्म्पेनीट बाई आल एफिडेविट्स और एक्यूज्ड जो है उसको मालूम होना चाहिए कि मेरे खिलाफ एविडेन्स क्या है । आप उसको मौका दीजिए एक आर्डिनरी केस जो है वह 6 महीने, 3 साल, 10 साल तक चलता है । उसका ट्रायल डेट डे होना चाहिए । लेकिन आपने मैजिस्ट्रेट को कब बाउन्ड किया है कि 6 महीने के अन्दर केस का खत्म करना चाहिए । उसको डेट दे लेना चाहिए लेकिन उसको सवाल ही नही है । आजकल डेट डे कोई भी केस नही चलता है ।

The Magistrate can even ask the other person, the police officer to make an investigation under Section 202 of the Cr P.C.

आप खुद इक्वायरी कर नही सकते, आप दूसरे को एन्ट्रस्ट कर रहे हैं ।

You are entrusting it to somebody else and then you are registering a case.

मैजिस्ट्रेट को अपने विटनेसेज को खुद एग्जामिन करना चाहिए । 202 मे रजिस्ट्रेशन करने का सवाल है ।

Why should be not make an inquiry so that he can examine the witnesses, whether they can be relied upon or not You are saying that he can entrust powers to others This should not happen.

मै अर्ज करूगा जिसने मुमिफ मैजिस्ट्रेट है जडिशियल मैजिस्ट्रेट है उनको टाइपिस्ट, स्टेना दिये जाये जोकि पूरे बयान की तीन कापीज निकाले । एक कापी कम्पलेनन्ट को एक रिकार्ड के लिए और एक सारी एक्यूज्ड को दी जाये । देन एड देयर कार्यवाही होनी चाहिए ताकि मैजिस्ट्रेट अपनी गर्दन नीची करके लिखते न रहे । बाज वकील ऐसे होते है जो विटनेस से कह देते है कि मैजिस्ट्रेट गर्दन नीची किए लिख रहे है, तुम यह बयान कर दो । इस लिए इस बात का इन्तजाम होना चाहिए ।

162 मे एग्जामिन करने की बात है । मैं आपको नया प्रोसीजर बतलाना चाहता था वह मेरे दिमाग मे था कि ज्योही कम्प्लेनन्ट बयान दिलाते है तो एक्यूज्ड को या उसके काउन्सल की सारी चार्जशीट दे दी जाए ।

He must give in writing or, after one or two months, he must be asked to give statement Then, you ask the Counsel not to proceed on the points which he has admitted That is done in civil cases also.

एक्यूज्ड को फर्स्ट हियरिंग मे चार्जशीट मिल जानी चाहिए क्योंकि तभी उसके बाद वह कह सकता है कि मै इतनी बात को मानता हू और इतनी बात को नही मानता हू । वरना फिर क्या होता है ? दो साल तीन साल लगते है

MR. SPEAKER Mr. Daga please wind up now.

श्री मूल चन्द डागा इसलिए मैंने कहा कि सिविल प्रोसीजर मे भी यही हुआ । आप कहेंगे इम्पासिबिल है । बडा फाइन होने के बाद एग्जामिन करने की सुविधा मिलेगी तो आपको फायदा होगा । तो कम्प्रोमाइज करना था ।

Suppose the father lodges a complaint and he dies The question is, whether his son can enter into a compromise whether his legal heir should not be allowed to enter into a compromise If the father dies his legal heir should be entitled to enter into compromise Otherwise, what will happen?

उसका कस चलता रहेगा । 325 मे लीगल रिप्रेजेन्टेटिव को आप पावर दीजिए । 147 148 वगैरह के ऐसे आफेन्सेज जिसमे कम्प्रामाइज करने की बात है । आप कई बार सविधान की दुहाई देते है और कहते है कि इसान की कीमत बढ़नी चाहिये । लेकिन इस वक्त इसान की कीमत हिन्दुस्तान मे क्या है और यहा आपने क्या किया है ? यहा आपने कहा है कि बाड्ज विद शोरटी । इन जमानतो के मामलो मे लोग बहुत पैसा कमाते है । अखबारो मे भी पढने को बहुत इसके बारे मे मिलता है । जो शोरटी स्टैंड करते है एक्यूज्ड के वास्ते वे 15, 20 और 40 रुपया महीना देते है । किसी आदमी की कीमत पहचानो । कहा भाग जाएगा वह ?

If it is bond it is well and good.

वाड्ज विद शोरटी करते है । शोरटी का मतलब है कि उस बेचारे का खर्चा हो । बाड विद शोरटी का जहा तक सवाल है 107 का जहा तक सवाल है वह 109 को वाइप आउट करेगा । 151 काफी है । डेटूडे ट्रायल आप करें । उसके सिवा कोई चारा नही है ।

जो बिल आया है इस मे पब्लिक सर्वेंट को अलग क्यो रख रहे है क्यो अलग समझ रहे हैं । पब्लिक सर्वेंट वे थप्पड मार दिया

Then, I cannot prosecute him unless and until I seek and get the permission

क्या डर है ? क्या उसको डिफेड आप करना चाहते है 23 साल के बाद भी ?

Suppose a Municipal member has given a beating to a person you say that he cannot be prosecuted unless and until the local body has given the permission

197 मे पब्लिक सर्वेंट को प्रासीक्यट नही कर सकते है । यह गलत तरीका है । इसको आप न रखे ना पब्लिक सर्वेंट ठीक हो जायगा उसकी तबीयत ठीक हो जाएगी ।

Suppose I am a Pradhan I should not be prosecuted

बडी गडबड है । अध्यक्ष महोदय आपकी अध्यक्षता मे इस तरह की चीज पास होने जा रही है और एपेडमटस हो रही है । पुलिस किसी को अपनी कस्टडी मे रख सकती है, पीट सकती है लेकिन पब्लिक सर्वेंट को प्रासीक्यूट नही किया जा सकता है । डेटूडे हीयरिंग करके कम का डिसपाजल आप क्यो नही करते है ।

MR SPEAKER If somebody other than a lawyer had been speaking, I could appreciate But a lawyer is speaking That is why I am surprised.

श्री मूल चन्द डागा 133 को आप देखे । एग्जीक्यूटिव मैजिस्ट्रेट को आपने बहुत पावर्ज दे दी है ।

Why do you not give it to Judicial magistrate? Why do you give the power to the Executive Magistrate? इनको वह बहुत मिसयूज करेगा ।

You must give pover to the Munsif Magistrate.

आप इस बिल को जल्दी में पास करना चाहते हैं। मैंने जो बुरी इस में बातें है वही बताई हैं। जो अच्छाइया है ये मंत्री महोदय बताएंगे। आप पुलिस के चंगुल मे से सी आर पी सी को नही निकाल सके है। मुकदमे लिगर आन होंगे। डे टू डे हीयरिंग उनकी होनी चाहिये। प्रासीक्यूशन को बाउड डाउन करना चाहिये। एक्यूज्ड का स्टेटमेंट पहले लेना चाहिये।

SHRI FRANK ANTHONY (Nominated-Anglo-Indian): Mr. Speaker, Sir, quite frankly, I had asked for many hours to be given to this Bill..

MR. SPEAKER: May I tell all the members not to keep sending chits to me. That is not very proper. All the members should send their names before and not during the discussion. I am not going to accept these.

SHRI FRANK ANTHONY: Mr. Speaker, I cannot possibly deal with the many matters I wanted to deal in the few minutes of time. As I look, in the little time that I have had at my disposal, at the Bill, I find that many of the provisions are going to come as a shock to the legal profession Some of them are good; for instance, Clause 125 providing maintenance in certain circumstances, even for parents, is, I think, quite good.

Clause 167 places a limit on detention during investigation—generally ninety days. I have had many cases where police had not completed their investigations for 2 to 2½ years. I had, recently, a case from Patna; a senior lawyer was kept in detention for 2½ years. But there may be a danger here. This is intended to be the outer limit—90 days for investigation. The danger is that they will take it as the minimum and they will take at least 90 days for completing the investigation, keeping every accused in custody for at least 90 days.

Then I think Clause 389 is good because it liberalises the bail provisions. That is, that those who have been convicted for three years or more, if they were on bail, they will continue. I want to say this. Quite wrongly, especially, the higher courts are tending to become more and more illiberal with regard to bail. Bail was never intended to be punitive. Bail was only intended to secure the presence of an accused. In some High Courts like the Delhi High Court, if a person is convicted for three years, he will never get bail and if he is a Harijan or if he is a poor person, he cannot defend himself. The Supreme Court, as a matter of course, will not give bail. I have heard of cases where people have not been given bail for three years. Then their case comes up after four years. They get acquitted after they have served the whole sentence. The whole thing is wrong. That is why I say this matter needs to be looked into. People are disabled. I know so many Harijans come—Inspectors of Police. Where are they going to raise the money if they are kept in jail? Some High Courts like the Allahabad High Court are very liberal. You get a life imprisonment, you are still given bail. I tried to get a bail for a nephew of a former Advocate-General. He was convicted to life imprisonment. Even then he was given bail. At least let them err on the right side so that at least somebody is able to defend them.

Then this other provision clause 28 that detention in jail should be set off against the sentence. That is good.

Now, I come to some of the bad provisions. I am only going to pick out some of them. I have had an opportunity of meeting my friend, Mr.

[Shri Frank Anthony]

Mirdha. I am sorry to say that I could not spare more time. I would like to have discussed this mater with him in much greater detail.

Clause 162—you intend to allow the Police to take signatures on statements in case diaries. That is a disaster. You have not done what is needed but you have left a lacuna. As I see it, they may now take signatures. As you know, under the old Sec. 162, signature on a case diary statement was prohibited. The law was that if you take signatures, the value would be impaired. Now, you even make it permissive. Now, in every case the Police will take signatures. They will bind down these ignorant people. As it is to-day, even with the prohibition, they bind them down and now the tendency is more and more to take the witnesses to the Magistrates and have them bound down on oath under Sec. 164. I would like to ask that the old provision be re-introduced. That is, at least do not allow the Police to take signatures on case diary statements.

Then I just look at clause 173(7) I have a lot of difficulty. Clause 173(4) as bad enough and 173(7) is extremely bad. This refers to investigations done by the Police where it is a cognisable offence or where it is sent by a Magistrate, that is, non-cognisable case. If there was an investigation by the Police, then the person was entitled to get copies. Under 173(7) you give the Police officer discretion to give him copies? What is happening? Police do the cases in different parts—some offences are cognisable; so the Police *suo motu* investigate Then because one or two offences may require a complaint, like a complaint by a Director of Enforcement or of imports and Exports, merely because a complaint has to be filed, they are not giving an accused person any of the documents which the Police have put into the case against the accused person, What is going to happen? I am doing cases. There are 150 witnesses. No statements are supplied to the accused because they said, 'No, because the Director has made the complaint. CBI has investigated the case.' I am arguing the matter in the Supreme Court that if there is an investigation, even though there may be a complaint, he should get the copies. Now, you give the discretion to the Police Officer. How can accused persons—there are 150 witnesses—as and when the accused is examined, how will he know as to what the Police case is? They will examine their most material witnesses in the end. You then convict him and say, 'You never put to the first set of prosecution witnesses your defence' How am I to know what defence to make when you keep all the Police statements under the table? We, the practising lawyers, know the position to-day.

Then we have this clause 275. I think Mr Mirdha has agreed to this. I say, for God's sake, do not have this. If the Magistrate is to write everything, what will happen? I know what used to happen when I used to defend a friend of mine in a court martial. A case which would last two days in the civil courts would last two days in the civil would last 22 days because they have to write everything. Now, you are going to make everybody write. To begin with, the accused would not get copies immediately and the trials instead of lasting for two or three days, will last five times that much. You might tighten the provision and do not allow the magistrate to have recordings of all cases at the same time. I agree. But do not say that he cannot have a stenographer. Otherwise you will destroy the very purpose of the Bill namely to expedite hearings.

13.30 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Section 344 is extremely bad and this is regarding summary procedure for punishment of persons for contra-

dictory statements. It is all right to say we want to stop perjury. But this is going to lead to mass convictions of innocent villagers. Give the police little power and they abuse it, when they don't have power, they twist it and abuse it! What do you want them to do? I know what will happen. | More and more, they are binding these villagers and other people, under Section 164. You are giving summary powers to them to sentence upto three months and you are deleting the old provision in Section 79. Even if a person in a sense makes two contradictory statements, the courts after full enquiry may say whether it is in the interest of justice. Only recently there was a case. This was a case of a brother-in-law of a High Court Judge that he did something and he was caught on the basis of perjury but the High Court said it is not in the interest of justice that he should be prosecuted. Now you are leaving it to the Trial magistrate. Under 164 he has to convict him summarily, send him to jail for three months for perjury, etc.

Now, take Section 379. You have embodied in this the amendment of the Mulla's Act, enlarging of the Supreme Court jurisdiction. That is if a person is acquitted and then acquittal is set aside and he is sentenced to ten years, he has the automatic right of appeal. All to the good. But what is happening every day Competent courts have acquitted them. Competent courts have given punishment for 7 years or 6 years or 5 years under the Special Secrets Act. I went to the Supreme Court and I found that in two minutes special leave was dismissed. It is because the principle is all wrong. I say more and more, as a matter of course, the State is filing appeals against acquittals and more and more high courts are giving perfunctory judgments merely because they take a different view of the evidence and set aside them. But at least every civilised State must have this principle that they must have one appeal. A man's innocence has been affirmed; he has been acquitted; then he has been convicted; does he not have one right of appeal even? Do you say he will have right of appeal if he gets 10 years but if he gets 9½ years he will have no right of appeal? In Supreme court I have seen within 20 minutes 5 death sentence cases are dismissed. This was done in 20 minutes. I calculated them. Five death sentence cases are dismissed in special leave. That is what is happening. What is going to happen to these people? Have they not got one right of appeal? You will say you will be flooded with cases. Even if a man gets one month rigorous imprisonment even if he is fined surely he is entitled to one appeal somewhere but you don't give it to him.

Then I have put down the proviso here in Section 379 that in all death sentence there must be appeal. I do not want to point a finger at the Supreme Court; in the first case you don't have specially constituted criminal law judges, some of the judges are very great civil law judges but most of them, I say this without qualification and respect, have not an elementary knowledge of criminal I argue for 10 minutes and the judge does not know the difference between irregularity and illegality. It is to be learnt, illegality prejudices a person. The judge does not know, he shakes his head. I am telling you all this, because I know about death sentences in villages. I go before a court. I admit: Three men have murdered this man. The other three are innocent. But what happens? All the family is brought in. In the village five people may have committed the murder under Section 49 and convicted.

[Shri Frank Anthony]

The High Court judgments are extremely perfunctory. My real feeling is that in many cases, innocent people are sent to the gallows. On principle, I would not like to see the death sentences to go. But, while the death sentence is there, at least, let the Supreme Court adjudicate finally in the matter. I do not want to say anything on this. The death sentences made are perfunctory. The other day I got leave Thank God for that. In three typed pages, for four people, the death sentences were affirmed. Now, they have a duty cast on them to reassess the evidence But, this is what the high courts are doing in all death sentences wholesale without even re-assessing. In the Supreme Court, if you have got a good judge who knows laws, he will say 'Yes, but then, you know what the sessions courts judgments say?' What has the sessions court's judgment got to do with this? The High Court has to deal with this separately. The other day five death sentences were dismissed summarily in twenty minutes. That is all a man's life is worth in the Supreme Court to-day. I am not blaming them because the Supreme Court is under a tremendous pressure This is what is happening That is why I have said that at least in every death sentence case—the courts do not have the time—let the man who is to be hanged, let his case be finally heard by the Supreme Court.

That is all I have got to say. I have not got the time to look into this. But, I want to ask Shri Mirdha to consider some of the points that I have raised. I feel that some of the provisions here are only going to play into the hands of the police. I do not know what personal experience, Shri Mirdha has got. It has become endemic with the police; even in a number of cases, how do you think, we got acquittals? In every case the police will bring in a false evidence; they will bring in a false discovery and they will bring in a false confession. Please, therefore, do not make it worse for an accused. There is the other provision which you have abolished. When I was a young lawyer, in quite a lot of murder cases in the original court, I used to cross-examine every witness in the committal proceedings and I used to fix my cases there. In nine out of ten cases, I used to get acquittals because of that. I know, many lawyers do not do it now. If that is going to be abolished, then I think that is going to be a tremendous dis-advantage. Now you have completely abolished the committal proceedings so that a person will have only one opportunity of cross-examining. I think this is going to be a tremendous disability

श्री राम रतन शर्मा (बादा) : उपाध्यक्ष महोदय, लगभग 80 वर्षों के पुराने जाब्ता फौजदारी कानून को बदल कर नया विधेयक लाते समय और इस विधेयक को प्रस्तुत करते समय मंत्री महोदय ने कहा था कि एक नया कानून वह ला रहे है जिस मे करेट आइडियाज रेफ्लेक्ट होते है । परन्तु विधेयक को देखने के बाद यह स्पष्ट हो जाता है कि इस में करेंट आइडिया तो कोई है नही जो रेफ्लेक्ट करे । पुराने आइडिया मे जिस तरह मे यह कोड बना था उस की भी रक्षा नही की गई ।

इस समय की सब से बडी माग सस्ते न्याय की थी । हम सब को पता है और खास तौर से उन आदमियो को जो कि इस वकालत के पेशे मे लगे है उन को मालूम है कि अधीनस्थ न्यायालयो मे गरीब आदमियो को कही न्याय नही मिलता । अमीरो को पैसे के बल पर वकील मिलते हैं, अच्छे से अच्छा वकील खड़ा कर सकते है । लेकिन गरीब जिस के पास खर्चने को पैसा नही है उस को किसी भी हालत में फौजदारी की अदालतों में न्याय नहीं मिलता । इस बात

को ले कर गवर्नमेंट आफ इंडिया ने ला कमीशन के पास एक चिट्ठी भेजी थी पहली जुलाई 1972 को । मैं उसे उद्धृत करना चाहता हू ·

In view of the divergent opinions on certain points which are being considered by the Joint Committee in respect of the said Bill, the Government would like to have the considered opinion of the present Law Commission on certain specific points hereinafter mentioned As the consideration of the Bill clause by clause has already been taken up by the Joint Committee of Parliament, it would not be necessary to refer the whole Bill for the opinion of the Law Commission afresh, but the Government would very much like to have the considered opinion of the Commission on a few specific vital points which have arisen for consideration

इस मे तीसरा प्वाइंट है—

the extent of the legal aid to the poor which may be provided for in the court.

इस के हिसाब से इस बिल मे क्लाज 304 रखा गया है । मै क्लाज 304 की ओर सदन का ध्यान आकृष्ट करना चाहूगा । यह बात सही है कि अभी तक कैपिटल पनिशमेंट मे एमिकस क्यूरि, जो उस आदमी को जो वकील खडा नही कर सकता है जो बहुत गरीब है उस को सरकार देती थी, सरकार उस को वकील देती थी केवल कैपिटल पनिशमेंट के केसेज मे । आप ने इस बिल मे सेशन ट्रायल के जितने केसेज है उन पर उस को लागू किया है । परन्तु मेरा कहना यह है कि जहा आप ने इस बिल के प्रोविजो मे कहा है, इस के सब-क्लाज (3) को देखे :

"The State Government may by notification direct that as from such date as may be specified in the notification the provisions of sub-sections 1 and 2 shall apply in relation to any class of trials before other courts in the State as they apply in relation to trials before the court of sessions."

मेरा यह आग्रह है कि स्टेट गवर्नमेंट की जिम्मेदारी डालने की आवश्यकता नही है । इस को आप डायरेक्ट कर दे अगर वास्तव मे आप चाहते है कि जनता को सस्ता न्याय मिले । आप एक तरफ यह कहते हैं कि आपकी सरकार समाजवादी है, गरीबो को वह अपार्च्युनिटी मिलनी चाहिए जिस को सविधान गारटी करता है, जिस के लिए ला कमीशन ने कई पैराग्राफ मे स्पेसिफिकली कहा है तो उस को आप इस तरह से प्रोविजो मे न डाल कर और स्टेट गवर्नमेंट के ऊपर न डाल कर सब-क्लाज (3) को हटा दें और सम्पूर्ण ट्रायल चाहे 109 मे हो 107 मे हो या दफा 25 आर्म्स ऐक्ट मे हो अगर उस मे क्रिमिनल प्रोसीजर कोड का प्रोसीजर लागू हो तो उस मे सरकारी खर्चे पर गरीबो को वकील देने का प्रावधान करने की आवश्यकता है ।

मै पैराग्राफ 23, 25, 26, 27 और 28 जो ला कमीशन की 48वी रिपोर्ट के है उन की तरफ आप का ध्यान आकृष्ट करना चाहता हू ।

"Providing equal justice for the poor and the rich, the weak and the powerful is an age-old problem.

MR DEPUTY-SPEAKER: Why don't you make your own points?

SHRI R. R. SHARMA: In making my points, it is essential to quote what the Commission has recommended and say that even though the Commission has so recommended, Government have failed to enact those provisions.

[श्री रामरतन शास्त्री]

लेकिन खैर, मैंने उन प्राविजस की तरफ ध्यान दिला दिया, मैं उन को अब वर्ड वाई वर्ड कोट नही करता हू। अब मैं यह आग्रह करता हू सरकार से कि कमीशन के कहने के अनुसार इस चीज की स्टेट पर वह न डाले क्यो कि कमीशन ने इस बात को स्पेसिफिकली कहा है। मै उस बात को काट कर दू

"It is in this spirit that we are recommending a wide provision. We hope the legal practitioners will also appreciate the spirit in which we are making this recommendation and will readily come forward to defend poor persons who cannot afford to pay The scheme can be worked successfully if the members of the bar, including senior members, co-operate in its working"

27 और 28 पैराग्राफ मे कमीशन ने स्पष्ट कहा है कि इस को किसी और पर न डाल कर इसी मे इसका प्राविजन बना देने की आवश्यकता है।

दूसरी बात जिस पर मै अपनी समालोचना प्रस्तुत करना चाहूगा वह लिमिटेशन के प्वाइंट पर है। क्लाज 467 मे 473 तक एन्टायरली न्यू प्राविजन्स है। अगर इस बिल मे कोई नई चीज है इस इतनी बडी किताब मे सरकार ने कोई नई चीज निकाली है क्रिमिनल प्रोसीजर कोड मे केवल लिमिटेशन की चार दफाए है और वह लिमिटेशन है 6 महीने की सजा से ले कर 3 साल की सजा तक के आफेंसेज के लिए। अगर आप कोई लिमिटेशन प्रस्क्राइब करना चाहते थे, चाहते थ कि कोई लिमिटेशन हो तो दस साल और 20 साल की जिस मे सजाए है उन मे काई लिमिटेशन है क्या नही प्रेस्क्राइब किया? जिस तरह से आप ने यह लिमिटेशन प्रस्क्राइब किया है 467 से 473 तक की क्लाजेज मेरी महोदय देख ले—एक अलग चैप्टर है, चैप्टर 36—लिमिटेशन फार टेकिंग कागनिजेंस आफ सर्टेन आफेंसेज—इस मे पीरियड है 6 महीने, एक साल और तीन साल यह पिरियड है। बहुत आश्चर्य की बात है कि आफेंस को काग्निजेबल और नान-कागनिजेबल और वेलेबल और नान वेलेबल आफेंस मे भी बाटा गया है जैसा कि पुराना क्रिमिनल प्रोसीजर कोड मे था। अब अगर एक केस मे पुलिस इन्वेस्टीगेट करती है काग्निजेबल आफेंस को, थेफ्ट का केस है जिस मे तीन साल की सजा है कागनिजबल है, नान-वेलेबल है और तीन साल के बाद तक उस मे इन्वेस्टीगशन चलता है, काई रिपोर्ट नही आती है पुलिस की एफ० आर० लाते नही है तब तक कम्पलेंट नही फाइल हो सकती। अगर कम्पलेंट फाइल कर दी जायगी तो वह कम्प्लेंट जब पुलिस की रिपार्ट आएगी उस के साथ ट्रायल की जायगी। मेरा कहना है कि यह बडा आमक है और इस मे बहुत बडा लैकुना है। तीन साल तक पुलिस के साथ साठ गाठ करके एक्यूज्ड जितना लिमिटेशन है उस लिमिटेशन को खत्म करवा देंगे। मै आफेंसेज बतला सकता हू कि 379 है, 312 है, जिस मे तीन साल की सजा है 19 —गिविंग आर फैब्रिकेटिंग फाल्स एविडेंस है, 179 है जिस मे दो साल की मजा है, और बहुत से आफेंसेज है जिस मे एक साल स लेकर तीन साल की सजा है, जो कागनिजबल है और नान-वेलेबल है जिस मे कि पुलिस लिमिटेशन का अपराधिया रु मिला.र सपाप्त कर दगी (व्यवधान) श्रीमन मेरे पास मेरी पार्टी का पूरा 10 मिनट का टाइम है। मेरी पार्टी का और कोई वक्ता नही है। मुझ पूरा टाइम लेने दे।

मैं आग्रह कर रहा था कि यह जो लिमिटेशन की बात है, जो आप न सी० आर० पीसी० म नई जोड दी है — हाई कोर्ट या सुप्रीम कार्ट म च ह जा हा — लेकिन जहा पर गरीब बसते है, जहा पर गरीबा क विरुद्ध साठ-

गांठ ली जाती है, इस का इस तरह से लायर्स पैराडाइज न बना दें, उन बड़े आदमियों को खुली छूट न दें जिन के गुनाहों की चर्चा रोजाना सदन में होती है। आप को मालूम होना चाहिये कि 302 में और 395 में, डकैती, रौबरी, डेथ-पैनल्टी जहां पर होती है, उन में पुलिस वाले साल-साल और दो दो साल इन्वेस्टीगेशन में लगा देते हैं। फिर फाइनल रिपोर्ट आती है, उस के बाद चार्जशीट सबमिट करते हैं। कभी कभी ऐसा होता है कि मामला सी० आइ० डी० को दे दिया जाता है। इन सब में टाइम लगता है—इस को कैसे निकालेंगे, कैसे जस्टीफाई करेंगे यह बात इस मे साफ नही है, इस लिये मेरा आग्रह है कि कि आप इस को आल टुगेदर हटा दें, लिमिटेशन की बात न रखें। और किसी की सम्पत्ति चोरी कर ली गई है किसी को मारा गया है या उस को किसी से इन्जरी लगी है तो वह तुरन्त थाने मे आता है, एफ० आई० आर० करता है, पुलिस एक्शन लेती है, इस लिये इस लिमिटेशन की बात नहीं होनी चाहिये। इस मे यह आरग्यूमेन्ट देना कि कोई माइनर आफेन्स होता है तो साल भर के बाद उस के मस्तिष्क को शान्ति मिलनी चाहिये, यह अन-टेनेबिल है। जिस ने पाप किया है, उस को जिन्दगी भर शान्ति नहीं मिलनी चाहिये चाहे अपराध छोटा हो या बड़ा हो। छोटे छोटे आफेंसन्ज में अगर कोई बहुत विलम्ब से कम्पलेन्ट फाइल करता है, तो कोर्टस ज्यादा ध्यान नही देती थीं, कायनिजन्स नही लिया जाता था। इस के बारे में हाई कोर्ट की रूलिंग भी है — इस लिये मेरा अनुरोध है कि लिमिटेशन की बात को न उठायें।

अब इस में जो पहला क्लाज है, उस की ओर मैं, श्रीमन् का ध्यान दिलाना चाहूंगा जहां तक 2 और 3 सैक्शन है, उन को मैं क्लाज बाई क्लाज कन्सीडेशन के समय मूव करना चाहूंगा। आप देखें—आप मे कहा है

"Clause 1:—It extends to the whole of India except the State of Jammu and Kashmir."

इस से भाव लिया कि हम अभी संविधान का संशोधन नहीं कर रहे हैं, जब तक नहीं कर रहे हैं तब तक आप को यह करना पड़ेगा लेकिन इस में इण्डिया को डिफाइन क्यों करते हैं। आप ने "इण्डिया" को डिफाइन किया है — क्लाज 2, सब क्लाज एफ —

"India" means the territories to which this Code extends;"

Do not define India for God's sake

क्या इस का मतलब है कि जम्मू काश्मीर इस में नही है? इण्डिया को डिफाइन करने की इस एक्ट मे क्या आवश्यकता थी—यह बहुत ज्यादा भ्रामक बात है जो आप के खिलाफ कही भी कोट की जा सकती है। आप इण्डिया के डेफिनीशन को निकाल दीजिये, इस मे जम्म काश्मीर लगायें या न लगावें, जब जम्म काश्मीर की बाबत इनेक्टामेन्ट लायेंगे तब लगा देंगे, लेकिन यहा पर इण्डिया का डिफाइन न कीजिये— परमात्मा के लिये।

क्लाज 82 और 83 (जिन को पहले 87—88 कहते थे) बहुचर्चित क्लाजेज है — अब मैं इन को ओर आप का ध्यान आकर्षित करना चाहता हूं। क्लाज 82 में सेफगार्डस दिये गये हैं, यह बहुत अच्छी बात है, लेकिन क्लाज 83 के द्वारा उन सब को आप ने वापस ले लिया इस का क्या मतलब है? 82 में सेफगार्डस देते हैं और 83 मे ले लेते है ....

श्री दरबारा सिंह (होश्यारपुर) : एक हाथ दे। एक हाथ ले।

श्री राम रतन शर्मा : आप देखिये— क्लाज 82 में इन्होंने प्रोकलेमेशन और अटेचमेन्ट प्रोसीडिंगज की बात रखी है, ये सब बातें होंगी, लेकिन क्लाज 83 में कहते हैं—

[श्री राम जेठमलानी]

"The Court may issue a proclamation under section 82 and may for reasons to be recorded in writing at any time after the issue of the proclamation order the attachment of the property movable or immovable or both, belonging to the proclaimed person."

वे वकील जो लोअर कोर्टस् मे प्रैक्टिस करते हैं, जिला कचहरियो मे प्रैक्टिस करते हैं। उन को इस बात का ज्ञान है कि दरोगा ने जाकर इधर रिपोर्ट दी, एफ०आई०आर०आई० उस के साथ ही एक रिपोर्ट नत्थी कर दी जाती है कि वह भागने वाला है, एक कांड करने वाला है। हम को पकड़ने का अधिकार दीजिये। इसलिये 82 में जो सेफगार्डस् उस को दिये गये है उन को आपने 83 मे खत्म कर दिया है। मैं आप से यह भी निवेदन करना चाहता हूं कि कुड़की या अटैचमेंट की वारदात गरीबो के साथ हुआ करती है, अमीर के यहा कुडकी करने कोई नही जाता, क्योकि वह तुरन्त जा कर कोर्ट मे सरण्डर कर देता है, बैल मे लेता हैं। जिस आदमी को पता ही नही चलता कि उस के खिलाफ क्या जाल रचा गया है, उस को इस से कोई राहत नही मिलती। इसलिये मेरा आग्रह है कि सैक्शन 83 को बिल्कुल हटा दे, तभी कुछ न्याय की बात हो सकती है।

107 108, 109 110—मे भी बहुचर्चित दफाये है। बहुत दिन पहले मे यह चर्चा थी कि सरकार जिस जाब्ता फौजदारी कानून बनाने जा रही है वा अंग्रेजो द्वारा छोडी गई जो लिगेसी है, उसको सरकार बदलेगी और वह कानून जिसमे अंग्रेज हमारे भाइयों का दमन करते आये है, वह समाप्त होगा लेकिन मुझे दुख है, जिस तरह से अंग्रेजी पुलिस के बल पर, मैजिस्ट्रेटी के बल पर शासन करते थे उसी तरह से यह सरकार भी पुलिस और मैजिस्ट्रेटी के बल पर शासन करना चाहती है, अपना कोई दिमाग नहीं लगाना चाहती है, कोई ऐसी प्रक्रिया या संहिता नही दे सकती जो उनसे अच्छी हो। इस संबंध में मैं अपना सुझाव बाद में दूंगा। कि वह संहिता क्या हो सकती है वह प्रक्रिया क्या हो सकती है लेकिन अभी मैं यह बतला रहा हूं कि दफा 107, 108, 109, और 110 की कोई आवश्यकता नही है। मेरे दोस्त डागाजी भी इस बात से सहमत है, वे काग्रस पार्टी से सम्बन्धित है, कि 109 की क्या जरूरत है। इस लिये मेरा आग्रह है कि दफा 107, 108, 109 और 110 को खत्म कर दीजिये। आप को मालूम है कि दफा 109 मे झूठे मुकदमे बनाये जाते है। हर थाने मे पुलिस के लिये कोटा फिक्स है कि दफा 109 और 110 मे कितने कितने केसेज आने चाहिये। अगर नही वे आते है तो उन से जवाब तलब किया जाता है, एस० पी० जवाब तलब करते हैं। कोई आदमी कही घूमता हुआ मिल गया, उस को 109 मे पकड़ कर ले आते है। कोई आदमी घर पर सो रहा हो, कहा जाता है कि तुम छुपे हुए थे, बस 110 का मुकदमा बन गया। मुझे बतलाइये, इस से आप ने कोन सी नई बात की है, जिस से हम उल्लसित हो।

श्रीमान्, दफा 151 भी दुर्भाग्यपूर्ण है—इस को भी समाप्त किया जाना चाहिये। पहले 151 के बारे मे कान्ट्रोवर्सी थी कि बेल होगी या नही होगी, वह एक्यूज्ड की डेफिनीशन मे नही आता था, लेकिन इस बार आप न 151 मे बेल का प्रावधान किया है—लेकिन मै ता इस दफा की आवश्यकता ही नही समझता इसको आप खत्म कर दें।

14 hrs.

उपाध्यक्ष महोदय, मेरी प्रार्थना है कि केस डायरी, 172 में जिसके बारे में आपने चर्चा की है, वह सबसे बड़ा और घातक वीपन्स है, पुलिस वालों के हाथ में। आफेन्स होने

महीनों बाद एक जगह बैठ कर एक्यूज्ड पर्सन्स से मिल कर मैनिपुलेट कर के केस डायरी आम तौर पर लिखी जाती है। जिस को चाहते हैं उसको फंसाते हैं। एक से पैसा लेते हैं और दूसरे को फंसा देते हैं। इसलिये आप 172 को ज्यो का त्यो रखे लेकिन एक सेफगार्ड कर दें कि अगर एक्यूज्ड कम्प्लेनेन्ट अपने इन्ट्रेस्ट के लिए लेना चाहते हैं तो सर्टिफाइड कापी मिले कोर्ट फीस वगैरह देने के बाद केस डायरी की सर्टीफाइड प्रतिलिपि ताकि हर आदमी को पता चल सके कि मेरे खिलाफ दारोगा ने यह लिखा है और यह केस बनाया जा रहा है। (व्यवधान) सिग्नेचर लेने की कोई बात ही नहीं है। उस की कोई आवश्यकता भी नही है।

एन्टीसिपेटरी बेल के प्राविजन्स 438 मे है। सरकार ने समझा है बहुत बडा तीर मार दिया है। नान ब्रेलेबिल आफेन्स की बात है। लेकिन मैं बतलाना चाहता हू कि यह प्राविजन भी गरीबो के हित म नहीं है। यह उन बडे आदमियो के लिए, ब्लैक मार्केटियर्स के लिए और होर्डर्स के लिए है जिन्हे कोई भी आफेन्स करके पता चल जायेगा क्योकि पुलिस उनसे मिली हुई है, मैजिस्ट्रेट मिले हुए है और वह तुरन्त पहुच कर कह देगे कि मुझे पता चला है मैं उसमे इन्वाल्व्ड हू इसलिए जमानत दे दी जाय। इसलिए मै आग्रह करता हू कि किसी भी तरह से इस तरह का जो जनविरोधी प्राविजन है 438 सर्वथा उसको हटा दिया जाए।

अन्त मे मैं कहना चाहता हू कि यह कहा गया था कि जल्दी फौजदारी मे न्याय मिलेगी लेकिन इसने कोई नवीनता नही है। मैं चाहता था जिस तरह से थाने है उसी तरह से 15–20 गावो के लिए एक मैजिस्ट्रेट नियुक्त कर देते ताकि जैसे ही कोई आफेन्स होता वैसे ही मैजिस्ट्रेट मौके पर जाकर के तुरन्त काम करते और इस तरह से बडे बडे अपराधो के तुरन्त निर्णय होते तथा तुरन्त ही न्याय मिल जाता। जो डिस्ट्रिक्ट कोर्ट्स है वह अपीलेट कोर्ट्स रखी जाय। देश के सामने कोई नयी चीज होती कोई नयी प्रक्रिया होती, कोई नयी विधि संहिता होती लेकिन सरकार इसमे फेल हो गई है, उसने कोई भी नयी बात नही की है। उसी पुराने ऐक्ट मे दो धारायें इधर से काट दी और चार उधर से जोड दी। दूसरी तरफ ढोंग रचती है कि वह समाजवादी सरकार है वह ऐसी चीज दे रही है जो स्वर्ग मे आ रही है और जैसे ही वह जमीन पर आ जायगी तो सम्पूर्ण लोक का हित हो जायगा। मुझ दुख है कि मंत्री महोदय इस बात को समझ नही रहे है और यदि समझ नही रहे है तो मुझे पूर्ण विश्वास है कि जनता बहुत जल्दी इस बात को समझेगी और इसका उत्तर उन्हे देगी।

श्री मधु लिमये (बांका) अध्यक्ष महोदय, सब से पहले मैं मंत्री महोदय से प्रार्थना करना चाहता हू कि वे इस विधेयक को जल्दी म इसी सत्र मे पास करवाने का प्रयास न करे। अभी मेरी राय है कि इस सदन में की नयी प्रवर समिति बननी चाहिए। और उस समिति को इसकी कई धाराओं को देखने का मौका मिलना चाहिए। आखिरकार संविधान की 21 धारा के तहत हमको अधिकार है कि किसी भी व्यक्ति की स्वतन्त्रता या जान जो दण्ड प्रक्रिया है उसी के मुताबिक जानी चाहिए न। [illegible] प्रक्रिया है [illegible] विधान के मुताबिक [illegible] साधारण नागरिक की स्वतन्त्रता [illegible] उसी प्रक्रिया से निर्धारित होते है। मैं यह बात शुरू मे कहना चाहता हू कि मैं अपने अनुभव से बात कर रहा हू। अभी यहा पर एन्थनी साहब बोले वे एक वकील के नाते बोले लेकिन मै हमेशा इन कानूनो का शिकार रहा हू इसलिए एक तो इस नाते बोल रहा हू और अपनी वकालत मैं स्वयं करता हू इसलिए सीमित अर्थ मे मैं एक वकील के दृष्टिकोण से भी बोल रहा हू हालाकि मेरा

[श्री मधु लिमये]

कानून और विधि की धारा से कोई सम्बन्ध नहीं है ।

मेरा अनुभव तो यह है कि व्यवहार में कि जितने हमको अधिकार दिये गये, जो संरक्षण दिये गये उनको तोड़ा जा रहा है । 1958 के अन्त में श्री प्रताप सिंह कैरो के राज में जब मैं अपने पार्टी दफ्तर में बैठा था तो बिला वजह मेरी गिरफ्तारी हुई । इसमें इसी से प्रारम्भ हुआ कि हम आपकी हैंडकफिंग करेंगे तो मैंने कहा कि अंग्रेजों ने, पुर्तगालियों ने नहीं किया और मैं करने नहीं दूंगा तो अन्त में जाकर बिना हैंडकफिंग के मुझे जाने की अनुमति दी गई । तो इसके बारे में भी इसमें कोई प्रावधान होना चाहिए, यह तो बर्बरता वाला कानून है कि आप हैंडकफ करके साधारण लोगों को ले जाते हैं । हां, कोई भयंकर व्यक्ति हो जो भागता है बार बार उसको हैंडकफ करने है तो बात समझ में आती है । इसलिए इस बर्बर और जंगली रिवाज को गैर कानूनी करार देना चाहिए ।

पहला कानून यह टूटा कि 24 घंटे में संविधान की 22वीं धारा के तहत, क्रिमिनल प्रोसीजर कोड की धारा मैजिस्ट्रेट के सामने रखा जाये लेकिन अक्सर होता यह है कि कभी भी मुल्जिम को मैजिस्ट्रेट के सामने पेश ही नहीं किया जाता, सीधे जेल में ले जाते हैं और जेल के पास जो वारन्ट होता है उसके ऊपर मैजिस्ट्रेट पुलिस के कहने पर हस्ताक्षर कर देता है । बिहार विधान सभा की एक कमेटी ने अपनी रिपोर्ट में कहा है कि गया में एक मुल्जिम साढ़े 6 साल तक जेल में रहा और उसको कभी भी मैजिस्ट्रेट के सामने पेश नहीं किया गया । मेरे बारे में भी यह कानून टूटा । दूसरे इसमें कारण बताना चाहिए तो मुझे उन्होंने केवल एक सेक्शन बता दिया' उसमें भी कानून टूटा । तीसरे जो वर्तमान क्रिमिनल प्रोसीजर कोड की 344 धारा है उसमें कहा गया है कि कारण बताना चाहिए, रिकार्ड का स्पष्ट आदेश होना चाहिए लेकिन क्या मन्त्री महोदय जानते हैं कि अक्सर मैजिस्ट्रेट वारीज देखे जाते हैं और इकरार करते जाते हैं । तो क्रिमिनल प्रोसीजर कोड की और संविधान की जो धाराएं विद्यमान हैं उनका भी उल्लंघन हो रहा है । ऐसी हालत में हम लोगों को और सेफगार्ड्स और संरक्षण देने के बारे में सोचना चाहिए न कि जो हमारे संरक्षण और अधिकार हैं उनको ही हम लोग खत्म करें।

अब मेरे जो प्रमुख मुद्दे हैं उनके ऊपर मन्त्री महोदय का ध्यान दिलाना चाहता हूं । पहले मेरा कहना है कि वर्तमान क्रिमिनल प्रोसीजर कोड में 106, 109, 110 आदि जो धाराएं हैं उनको एकदम खत्म करना चाहिए लेकिन मुझे अफसोस इस बात का है कि इन धाराओं को किसी न किसी रूप में इन लोगों ने बनाये रखा है । 107 के बारे में बाद में बताऊंगा लेकिन हैबिचुअल आफेन्डर वगैरह की जो धारायें हैं उनमें बड़ा जुल्म किया जाता है मैं जानता हूं जेलों में काम के लिए भंगी लोग नहीं मिलते हैं इसलिए यह जो हैबिचुअल आफेन्डर के नाम पर जो लोग हैं उनको जेलों में केवल इसी तरह के गन्दे कामों के लिए जेल अधिकारी और पुलिस आपस में मिल कर पकड़ कर लाती है । यह अनुभव की बात है । जो स्वतन्त्रता के दिनों में जेल में रहे हैं उनको इस बात का पता है । पुरानी 107 को खत्म करने के लिए तैयार नहीं हैं तो कम से कम पुरानी जो 106, 109, और 110 है, उसी के अनुरूप जो नई धारायें हैं उनको कम से कम खत्म करें ।

107 के बारे में मैं कहना चाहता हूं । मुझे यह धारा बहुत अच्छी नहीं लगती है । उसको मैंने सुप्रीम कोर्ट में चुनौती दी थी । लेकिन उसने इसको संवैधानिक ठहराया । होता क्या है ? जैसे किसी व्यक्ति को गिरफ्तार किया जाता है 151 में करेंगे लेकिन साथ साथ 107 चला देंगे, उसका नोटिस भी बढ़ाया जाएगा और तुरन्त 117 के तरह उसके ऊपर जमानत या जेल यह आदेश जारी हो जाएगा । मेरे अपने बारे

मे बनारस का केस है। यह 1970 का है। मै हवाई अड्डे से आ रहा था। बिला बजह मुझे पकड लिया गया और 107 के तहत कार्रवाई हुई। सुप्रीम कोर्ट मे मैं गया। सुप्रीम कोर्ट का स्पेशल बैंच बैठा था 107 की वैधता के बारे मे विचार करने के लिये। इसको तो वैध साबित किया गया। लेकिन सुप्रीम कोर्ट ने एक मेरी बात को माना कि 117 (3) के तहत जो हुकम होता है और 107 और 112 का जो आर्डर होता है वह उसी के साथ नही होना चाहिये। यह सुप्रीम कोर्ट ने कहा उन्होने पैंडिंग कम्प्लीशन आफ इनक्वायरी की व्याख्या की है कि कम से कम एक बिटनेस आए, उसकी गवाही हो और उसको क्रास एग्जेमिनेशन करने का मौका मिलना चाहिये। अगर यह सुप्रीम कोर्ट की जजमेंट है तो क्या बजह है कि कम से कम इतना सरक्षण, इतना सेफगार्ड हम कानून मे न दें। मेरा केस होने के बाद भी सैकडो और हजारो केस चल रहे हैं उत्तर प्रदेश मे चल रहे है। समाजवादी युवजन सभा के भूतपूर्व जनरल सैक्रेटरी मोहन सिह का केस था। मेरे साथ इलाहाबाद जेल मे वह थे। सुप्रीम कोर्ट के पास समय ही नही था और उसके केस को खारिज कर दिया गया। फिर वह अपील मे सैशन कोर्ट मे गए। उसी बिना पर सैशन कोर्ट ने उनकी छोडा कि 117 (3) के तहत एक साथ आर्डर नही किया जा सकता है। कम से कम इतना सेफगार्ड तो दिया जाए।

107 के बारे मे सुप्रीम कोर्ट ने कहा है कि यह आपतकालीन है। मान लो झगडा फसाद का खतरा है, व्यक्तिगत झगडा हो सकता है साम्प्रदायिक झगडा हो सकता है, राजनैतिक दगा फसाद होने का अदेशा हो सकता है तो तत्काल कार्रवाई के लिये 107 है, यह उनका कहना है। एक, एक, दो, दो और तीन-तीन साल मह जो मामला चलता है, क्या जरूरत है इसकी। लखीसराय की 1968 की बात है। मेरी सारी मागो को अन्त मे रेल मंत्रालय ने मान लिया। लखीसराय रेलवे का सुधार हो गया। लेकिन अधिकारियो ने दुष्टता का व्यवहार किया। ढाई साल तक मेरे खिलाफ यह केस जारी रखा। नतीजा यह हुआ कि दो-दो सुप्रीम कोर्ट की जजमेटस हो गई। 1968 मे हुई 1970 मे हुई। फिर भी केस चलाया। 1971 मे शैलेट साहब के सामने यह मामला आया। उन्होंने कहा क्या मजाक है? ढाई साल हो गए है और 107 की कार्रवाही कर रहे है और अगर मुकदमा वापिस नही लेते हो तो आपके खिलाफ अभी फैसला देना होगा। इस पर सरकारी वकील ने कहा कि हम तैयार हैं। उसको कहना पडा इसको इस तरह की बात होती है। 117(3) के बारे मे जो मौजूदा 116 धारा है इस मे इसको मान ले। हैबिचुअल आफन्डर खत्म करे। 107 मे जो अधिकार चाहते है वे आपके पास है। ईमानदारी से पुलिस और मैजिस्ट्रेट काम करना चाहते है तो 107 धारा अनिच्छा से मैं रहने दे रहा हू। मेरी इच्छा नही है कि रहने दू। अच्छा प्रशासन वह नही है जो ऐसा करता है। लेकिन अगर आपको रखनी है तो रखिये लेकिन बाकी की खत्म कर दीजिये जो समय है छ महीने, एक साल इसको तीन महीने कर दीजिये। यह काफी है। जो शन्ति के लिये खतरा है वह तीन महीने मे खत्म हो जाता है।

अब मैं 144 के बारे में कहना चाहता हू। मत्री महोदय जानते ही है कि सारे देश मे दफा 144 लगी हुई हैं। बीच मे मै मालेगाव गया था। मेरा वहा जाने का कमम्द यह था कि बुनकरो की स्थिति का मैं अध्ययन करू। मेरे वहा जाने से न अशान्ति होने वाली थी और न सम्प्रदायिक दगा होने वाला था। लेकिन जब एक निजी जगह मे कार्यकर्ताओ ने सभा रखनी चाही तो पुलिस वालो ने चारो ओर से उसको घेर लिया और किसी को वे जाने नही दे रहे थे। जब हम वहां पहुचे और कहा कि वह क्या तमाशा कर रहा है, तब जाने दिया। पूरे देश मे दफा 144 लगी हुई है। मैंने सशोधन दिया है। यह भी एक सकटकालीन दफा है। आजकल हमारे

श्री मधु लिमये :

देश में जो एमरजेंसी वाली चीज है वह भी नार्मल चीज हो रही है । मेरा सुझाव है कि जो पहला आर्डर होगा, जो इंटेरिम आर्डर होगा उसको आप 48 घंटे और 72 घंटे से अधिक न रखें ? यह कहिये मैजिस्ट्रेट को कि वह पब्लिक ही हीयेरिंग करे, सार्वजनिक कार्यकर्ताओं को सुने और यदि उनको लगता है कि और इसको बढ़ना चाहिये तो पंद्रह दिन और अधिक से अधिक तीस दिन तक वह बढाएं । इस में कोई दिक्कत नहीं है । अमरीकी सुप्रीम कोर्ट के मैंने डिसिशंज इसके बारे में देखे हैं । जब सिविल राइट्स मूवमेंट चल रही थी तब प्रायोर रेसट्रेंट जिस को कहते हैं, उसको उन्होंने बहुत बुरा माना । दफा 144 प्रायोर रेसट्रेंट नहीं है तो क्या है ? क्या बोलता है, प्रदर्शन में क्या कहता है, भाषण में क्या कहता, है क्या अपराध करता है, इसका सवाल नहीं है । वह प्रचार करें ही नहीं जलूस निकाले ही नहीं सभा करे ही नहीं इसके वास्ते जो यह निर्बाध प्रतिबन्ध लगाया जाता है तो यह ठीक नहीं है । इसके बारे में सावधानी बरती जानी चाहिये । मेरा सुझाव है कि इंटेरिम आर्डर हो, दो तीन दिन में पब्लिक हीयरिंग हो । नियम बनाएं । उसके बाद भी यदि मैजिस्ट्रेट आवश्यक समझता है तो बढ़ाए । मैं यह भी चाहता हूं कि सभी एग्जैक्टिव मैजिस्ट्रेटस को और एस डी ओज को आप यह पावर न दें । आज जो आपने डी एम को दे रखी हैं वही रखें । आप कहते हैं कि मैं इसको और उदार बनाना चाहता हूं, लिबरल बना रहा हूं, । यह लिबरलाइजेशन है क्या ? सारी मैजिस्ट्रेट को, एस डी ओ को अधिकार आप दे रहे हैं । मैं चाहता हूं कि एडीशनल डी एम को भी आप यह अधिकार न दें कैंसल डी एम को दें ताकि जिम्मेदारी से सत्ता का इस्तेमाल हो सके । अगर आप इसको मानने के लिए तैयार हैं तो ऐडी एम को भी रखें । लेकिन एस डी ओ, फर्स्ट क्लास मैजिस्ट्रेट की जो बात आपने कहीइसको आप खत्म कर दें ।

अब मैं सबसे महत्वपूर्ण सैक्शन पर आ रहा हूं और वह है 167 वर्तमान । इन्होंने कुछ लोगों की बैठक बुलाई थी और बहुत अच्छी हम लोगों की बातचीत हुई । इनके अफसरों का भी खुला मन मैंने देखा । आप समझते हैं कि मैं हमेशा अफसरों के खिलाफ बोलता हूं लेकिन ऐसी बात नहीं है । जो तर्क करते हैं, बहस करते हैं, उनको मैं पसन्द करता हूं लेकिन जो तर्क और बहस करने के बजाय यह कहते हैं कि हम ब्यूरोक्रेट है और हम करेंगे उनको मैं पसन्द नहीं करता हूं । अच्छी बहस हुई । चूंकि काम अधिक था और बैठकें नहीं हो सकी । मंत्री महोदय का इस में कोई दीष नहीं है । 167 को मैंने बहुत स्टडी किया है। इसके बारे में वर्तमान कानून बिल्कुल साफ है । चितले साहब की जो कमेंटरी है उसकी ओर मैं आपका ध्यान दिलाता हूं ।

"The longest period for which an accused can be ordered to be detained in police custody by one or more such orders is only 15 days. It was so held in a case arising under the corresponding section of 1961 Code wherein the time limit was not fixed, and similarly under the Code of 1882 wherein the words "in the whole" were absent

"Where even within the 15 days' time allowed under this section the investigation is not complete, the police may release the accused under section 169; or they may send him to the Magistrate having jurisdiction to try the case or hold an inquiry with a report under section 173; then the Magistrate may remand the accused under section 344. But such remand will not be to po-

lice custody. Detention under this section in the police custody for more than 15 days is illegal"

मंत्री महोदय का और इनके अफसरों का कहना था कि फैसलों की रोशनी में ऐसा किया जा रहा है । लेकिन होता क्या है ? 344 के तहत रिमांड देते चले जाते है । वह गलत काम है । लेकिन कम से कम उसमें यह सेफगार्ड है कि 344 में जो रिमांड गलत है या सजा जो होती है वह जेल कस्टडी की होती है । पुलिस कस्टडी में जहां तक पद्रह दिन की बात है, एक बार इनकारगनिटो आप जाएं एक ही दिन और पुलिस कस्टडी में रहे तो आप को पता चलेगा कि इट इज वैरी डयल हैल । एक दिन से अधिक उसमें आप रात काट सके तो मैं इनके सुझाव को मानने के लिए तैयार हूं । मंत्री महोदय पुलिस कस्टडी में एक दिन के लिए इनको लिटो जा कर देख लें । वहां बहुत खराब हालत होती है । जानवरों के लिए बम्बई में आरे मिल्क कालोनी में जो स्टेबल बनाए गये हैं उनकी कंडिशन उससे अच्छी है पुलिस कस्टडी में । मेहरबानी करके यह पन्द्रह दिन वाला जो सारा कानून आप ला रहे हैं उसमें आप यह कर दें कि पद्रह दिन के बाद अगर केस का इनवेस्टीगेशन पूरा नहीं हुआ तो जेल में रखा जाय और जरूरी हो तो उसी में आप एक क्लाज बाद दें कि पुलिस कस्टडी में भेज दें मुझे कोई एतराज नहीं है । मंत्री महोदय का यह कहना था कि दफा 344 का दुरुपयोग होता है । मैंने मान लिया । वह दुरुपयोग न हो, इसके लिए उन्होंने कुछ सुझाव दिये । उनका मैं स्वागत करता हूं । अब सवाल यह है कि अगर पद्रह दिन में इनवेस्टीगेशन पूरा नहीं हुआ, तो क्या करें । मैं कहता हूं कि उसी के तहत यह प्रावधान किया जाये कि और कुछ दिन के लिए भेज सकते है, लेकिन जुडिशल कस्टडी दी जाये । मेहरबानी कर के पुलिस कस्टडी न दी जाये । मंत्री महोदय को बाकी जो कुछ भी पास करना है, वह करें, लेकिन जब तक मैं यहां हूं, मैं इसको मानने के लिए तैयार नहीं हूं। इस पर डिविजन होगा ।

मेरी फिर एक दफा प्रार्थना है कि पुलिस कस्टडी में पद्रह दिन काटना एक टार्चर्यर है और इस विधेयक में नब्बे दिन की बात की गई है । यह मुझे जचता नहीं है । मंत्री महोदय इस बारे में सोचें ।

मैं उन धाराओं के बारे में नहीं बोलना चाहता हूं, जिनको दूसरे माननीय सदस्यों ने कवर किया है । श्री एन्थनी ने अपील, समरी ट्रायल और परजुरी के बारे में जो कहा है; मैं उससे सहमत हूं । जहां तक अपील का सम्बन्ध है, एक दफा एक्विटल होने के बाद जब सजा होती है, तो एक भी अपील न रहे; यह अच्छी बात नहीं है ।

मंत्री महोदय ने इस विधेयक में लीगल एड के बारे में एक अच्छा प्राविजन दिया है, जिसके बारे में मैंने पिछले सत्र में दो-दो विधेयक रख थे । वह बड़ा अच्छा प्राविजन है, लेकिन मंत्री महोदय ने उसमें एक बहुत बड़ा दोष रखा है । इस विधेयक की धारा के तहत हाई कोर्ट नियम बनायेगा "विद दि प्रापर एप्रुवल आफ दि स्टेट गवर्नमेंट", और वकीलों की नियुक्ति भी शायद सरकार ही करेगी । मंत्री महोदय से मेरी प्रार्थना है कि वह मेरी एमेंडमेंट को स्टडी करें । मेरा संशोधन इस प्रकार है

"The High Court may, in consultation with the State Government..

मैंने "एप्रुवल" की जगह "कनसल्टेशन" रखा है ।

....prepare a panel of pleaders for each district from among whom the accused may select a pleader for his defence under sub-section (1); and also make rules providing for.."

[श्री मधु लिमये]

रूल्ज अलग कर दीजिये। हाई कोर्ट के द्वारा राज्य सरकार से सलाह कर के हर जिले के लिए एक पैनल बनाया जाये। नहीं तो क्या होगा ? सब लोग चमचागिरी करने लगेंगे, क्योंकि जिनकी प्रैक्टिस—वकालत—चलती नहीं है, वे सोचेंगे कि अगर हम सरकार की चमचागिरी करेंगे, तो उस पैनल में आ जायेंगे। इस तरह सरकार एक हाथ से जो अधिकार दे रही है, वह दूसरे हाथ से उसको वापिस ले रही हैं। मेरी एमेंडमेंट में कोई ग़लती नहीं है। मंत्री महोदय इस पर सोच और इसको मान लें। मेरे संशोधन यह है कि हाई कोर्ट के द्वारा राज्य सरकार की सलाह से हर जिले के लिए एक पैनल बनाया जाये और एक्यूज्ड को यह छूट हो कि वह उसमें से किसी को चुन ले।

जैसा कि मैंने कहा है, मैं लीगल एड के प्राविज़न का स्वागत करता हूं। पिछली बार मैंने कहा था कि अमरीका में जो बुनियादी अधिकार हैं, वे तकरीबन हमारे जैसे हैं, लेकिन अमरीका की सुप्रीम कोर्ट ने पिछले तीन वर्षों में भाष्य या इन्टरप्रेटेशन से—कांस्टीट्यूशनल एमेंडमेंट से नहीं, लीगल प्राविज़न से भी नहीं— यह कहा है कि ग़रीब और कंगाल मुलज़िम को यदि वकील नहीं मिलता है, तो वह मौलिक अधिकारों का हनन है। सुप्रीम कोर्ट के फ़ैसले के अनुसार अब सरकारी खर्चे से वकील मिलता है। सरकार ने यह जो शुरुआत की है, मैं उसका स्वागत करता हूं। लेकिन इसमें चमचागिरी, खुशामद या प्रशंसा के लिए मौका न दिया जाये, क्योंकि वैसे ही न्यायालय की स्वतंत्रता के बारे में लोग हल्ला करने लगे हैं। इसलिए मंत्री महोदय मेरे इस सुझाव को मान लें।

चार्ज के बारे में इस विधेयक में कहा गया है कि वह अदालत की भाषा में लिखा जायेगा। मैं उसमें यह संशोधन चाहता हूं कि अदालत की भाषा, या हिन्दी, या प्रादेशिक भाषा, या मुलज़िम को जो भाषा समझ में आये, उसमें उसको चार्ज मिलना चाहिए। एक सूबे का आदमी दूसरे सूबे में भी हो सकता है। अगर उसको चार्ज का ऐसा अनुवाद मिल जायेगा तो वह समझ जायेगा।

मैं दो तीन बातें धारा 107 और तत्सम धाराओं के बारे में भी कहना चाहता हूं। मैं मंत्री महोदय को बताना चाहता हूं कि जब पिछले साल मैं इलाहाबाद में गिरफ्तार हुआ, तो मेरी रिट पेटीशन की सुनवाई के लिए मुझे दिल्ली के तिहाड़ जेल में भेज दिया गया। उपाध्यक्ष महोदय, यह एक दर्दनाक कहानी है। एक दिन मेरे वार्ड में कुछ नौजवान लड़के सफ़ाई करने के लिए आये। जिन लोगों को स्कूल-कालेजों में होना चाहिए था, उनको जेल में देख कर मैं दंग रह गया। मैंने उन लोगों को बुला कर पूछा कि यहां क्यों आये भाई; चोरी, डकैती, बलात्कार, क्या किया। वे बोले, कुछ नहीं, हम 55/107 में बन्द हैं।

उनमें से एक का नाम था रामसिंह। वह बोला कि मैं अनाथ हूं, मेरे मां-बाप नहीं हैं, बड़े भाई के यहां कानपुर में रहता था, भाभी मुझ से बहुत काम लेती थी, भूखा रखती थी, इस लिए मैं भाग गया। उसके पास टिकट था। जब वह दिल्ली स्टेशन पर उतरा, तो रेल कांस्टेबल ने उसको छेड़ा और पूछा कि तुम कहां के हो। उसने कहा कि मैं अनाथ हूं, नौकरी की खोज में दिल्ली आया हूं। कांस्टेबल ने कहा कि अनाथ हो, चलो तुम को 55/107 में गिरफ्तार किया जाता है। उपाध्यक्ष महोदय, यह सब राजधानी में हो रहा है। जेल में उसको कहा गया कि पचास रुपये दो, तब तुम्हें छोड़ेंगे। उसने कहा कि मेरे पास पचास रुपये नहीं हैं। तब उसकी तलाशी ली गई और जो दस बारह रुपये मिले, वे

छीन लिये गये । उसको तीन दिन तक मैजिस्ट्रेट के सामने पेश ही नही किया गया और बाद मे पद्रह दिन का रिमाड ले लिया गया ।

दूसरे का नाम ललित कुमार था और वह सहरसा, बिहार का था । उसने बताया कि मैं काल्का मेल की डाइनिग कार मे रोटी बनाने का काम करता था, जब डाइनिंग कार दिल्ली मे रहती थी, तो पुलिस वाले आ कर तग करते थे कि खाना खिलाओ, मैं उनको बचा हुआ खाना दे देता था, एक दिन ऐसा हुआ कि मेरे सुपरवाइजर ने मुझे डाट दिया कि ऐसे खाना क्यो देते हो । तो उसने कहा कि अब मैं नही दूगा । दूसरे दिन जब वह काश्मीरी गेट से साबुन खरीद कर आ रहा था, तो पुलिस वालो ने उसकी गर्दन पकडी और कहा कि तुम को 55/107 मे गिरफ्तार किया । वह रोने लगा कि मुझे यहा से छुड-वाइये, मैं फिर दिल्ली नही आऊगा, यह बडी अयकर नगरी है, मैं वापिस बिहार चला जाता हूं ।

तीसरा लडका छिंदवाडा, मध्य प्रदेश, का रहने वाला था । 55/107 मे जेल या जमानत की जो कार्यवाही होती है, उसके तहत वह एक साल के लिए जेल मे था और नौ महीने की सजा काट चुका था । वह एक गरीब आदमी था । मैंने उससे कहा कि जमानत क्यो नही देते । उसने कहा कि मैं जमानत कहा से लाऊ, अगर मैं अपनी बीवी को बुलाऊगा, तो उसके आने-जाने मे पांच सौ रुपये खर्च हो जायेगे, मेरे पास पैसा नही है । जब मैने पूछा कि क्यो पकडा, तो बोला कि नौ महीने पहले—वह मालिश करने वाला था—मै दिल्ली के राजपथ पर खडा था, तो दो पुलिस वाले आये और उन्होने टोका कि क्या कर रहे हो । वह बोला कि जैसे दूसरे लोग राजपथ पर टहलने के लिये आये है, वैसे मै भी आया हू । कहा के रहने वाले हो ?—मैं छिंदवाडा, मध्य प्रदेश का रहने वाला हू । यहां कहा रहते हो ?— मेरा कोई घर नही है, जैसे हजारों लोग किसी पेड की छाया मे या इमारत के किनारे रहते है, वैसे मै भी रहता हू । जब उसने कहा कि मैं बेघर आदमी हू, तो पुलिस वाले बोले कि यह 55/107 के लिये फिट आदमी है । मैजिस्ट्रेट के सामने जाकर उन्होने कहा कि एक पार्क की हुई फियट कार पर उसकी बुरी नजर थी । इस देश मे 55/107 के तहत क्या क्या होता है ।

मैंने सोचा कि यह 55/107 क्या बला है । मैंने क्रिमिनल प्रोसीजर कोड को खोल कर देखा । 55 मे क्या था?—"नो आस्टेंसिबल मीन्ज आफ सबसिस्टेस" । तीन साल से सत्तारूढ दल के लोग यह हगामा कर रहे हैं कि निर्देशक सिद्धान्तो के कार्यान्वयन मे फडामेटल राइटस बाधक बन रहे हैं । संविधान कहता है कि राज्य का यह कर्तव्य है कि सब लोगो को काम दिलाया जाये, रोजगार दिलाया जाये । लेकिन यह सर-कार रोजगार तो देती नही है और जिनके पास रोजगार नही है या आस्टेसिबल मीन्ज आफ सबसिस्टेस नही है, उनको जेल मे बन्द कर देती है ।

SHRI B. R SHUKLA (Bahraich) That has been deleted.

श्री मधु लिमये : वह मैं जानता हू । मैने यह कहानी इसलिये सुनाई है कि मैं जो सेफगार्ड मांग रहा हू, और जिन धाराओ को काटने के लिये कह रहा हू, भला महोदय उनके बारे मे गम्भीरतापूर्वक सोचे । मैंने एक फ्रेन्ड के नाते उनके लिये रिट पेटीशन किया । अभी तक जेल मे जो बन्द है उसका फ्रेन्ड बाहर से कर सकता है, लेकिन पहली बार जेल मे एक कैदी के द्वारा दूसरे कैदी के लिये रिट पेटीशन किया गया । मैंने कहा कि इस दुष्ट और क्रूर, जगत मे मेरे अलावा इनका और कौन दोस्त है? इसलिये मैं कह रहा हू और उस समय जो जज थे द्विवेदी साहब वह डायरेक्टिव प्रिसिपल पर लेक्चर दे

[श्री मधु लिमये]

रहे थे फडामेटल राइट्स के केस मे । मैंने कहा कि निदशक सिद्धान्तो के गीत गाते है और इनको इसमे गिरफ्तार किया जाता है । जब मेरा पेटीशन गया तो वह ऐडमिट हुआ और एक आदमी को तो उन्होंने छोड़ दिया और दूसरे को सुप्रीम कोर्ट के जजेज छोडने जा रहे थे तो उन्होंने कहा कि सात दिन की मियाद दीजिय और सात दिन के बाद उनको भी छोड दिया गया । लेकिन वह राम सिह मालिश वाला अभी तक जेल काट रहा है । शायद एक साल पूरा हुआ होगा तो छूट गया होगा । इसलिये इस तरह का दृष्टिकोण यह रखे । मेरी अपनी यह राय है, मै ऐसे न्यायालय चाहता हू, मै वह दिन देखना चाहता हू कि जब सुप्रीम कोर्ट के जजेज आर्थिक और सामाजिक मामले मे जो विधि मडलो के प्रगतिशील कानून है उनका तो समर्थन करेगे लेकिन जहा व्यक्तिगत स्वतन्त्रता का सवाल आएगा वहा निर्भयता के साथ राज्य का, स्टेट का मुकाबिला करके व्यक्तिगत स्वतन्त्रता के हक मे फैसले देगे जैसे अमरीका मे वारेन कार्ट ने किया क्योकि वारेन कोर्ट का यह अनुभव है कि सिविक राइट के बारे मे क्रिमिनल प्रोसीजर के बारे म, व्यक्तिगत स्वतन्त्रता के बारे मे मैजिस्ट्रेट भी प्रतिक्रियावादी हो सकता है । आप लोग जो बार बार कहते है कि इन सस्थाओ के सम्बन्ध बिगड गए है, आज कार्यपालिका प्रतिक्रियावादी है, विधि मडल प्रतिक्रियावादी है और न्यायालय भी प्रतिक्रियावादी है । जब तक इनके रिश्तो को नही सुधारेगे और उदारवादी, स्वतन्त्रतावादी दृष्टिकोण नही अपनायेगे, क्रिमिनल प्रोसीजर मे सही माने मे कोई परिवर्तन नही होगा ।

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode): Mr. Deputy-Speaker, Sir, to-day the eighty-years' old Code of Criminal Procedure is sought to be amended. I feel that this is a forward step which can guarantee personal liberty of the citizens of the country. Justice should be assured to all sections of the population in the shortest possible time. I feel that when we are having this new Code of Criminal Procedure, we should not attempt to disturb the established personal law of any community. I am not going to deal at length with the various other provisions contained in the Code of Criminal Procedure which is before the House This has come from the Select Committee and also has been passed by Rajya Sabha. But, one thing which I would definately like to point out is this. I consider it my duty to point out this with regard to Section 125 of Chapter IX of this Bill This is, with regard to the explanation of the "wife" It is stated here that 'wife' means 'a woman' who has been divorced by or has obtained a divorce from her husband and has not re-married This, I consider, to be a very very wrong definition of 'wife' which is not only against common- ense but also goes fundamentally against the provisions of Muslim personal law I desire to point out about the provisions of the Muslim personal law to the august House. I consider it to be my duty to point this out to the hon. Minister also so that he may kindly consider this and see that at least this definition is deleted from this Bill. If he cannot do that at least the Muslim community which is guided by the Muslim personal law should be exempted from the purview of this explanation given in the Bill

It is very strange to describe a divorcee to be a wife. I cannot accept that definition I would like to point out here that, as far as Muslim personal law is concerned, it has laid down a specific procedure with regard to all matters concerning life of a Muslim As far as special life of the Muslims is concerned, these directives have been laid down not by any person but by 'God' himself in the Koran. It is, therefore, not possible for us as Mussalmans to go against the directions given in Koran and as an expla-

nation of the directives of the prophect. Here, I would like to point out that as far as Muslim personal law is concerned. When a divorce is given to a lady, then the provisions regarding the payment of maintenance is very clearly put down. Apart from the fact that it is strange to term a 'divorcee' as a wife, this provision erodes the provision of the Muslim personal law under which the period for which a woman is entitled to maintenance after severance of marital ties, either through divorce or through judicial separation, is fixed at her completing three monthly courses or three months in case she is either a minor or past the age of menstruation. In the case of a divorce to a pregnant woman, the woman is entitled to maintenance till the pregnancy is over This is how the period for which she can claim maintenance has been fixed and laid down under Muslim personal law When she is pregnant after the pregnancy is over, the claim for maintenance completely stops and she cannot claim any maintenance and if the lady is not pregnant the claim for maintenance ceases after three periods For the other cases also, the period for which she can claim maintenance has been specified. Moreover, there is also provision of Meher that is dower which has to be paid on divorcing the wife.

But under this Bill, a lady although divorced, can claim maintenance from her husband until she is remarried; or dies. This means, the divorce would have taken place because both could not agree, and divorce has been granted but the husband has to pay for her maintenance for her entire life if she does not get remarried. This is completely against the provisions of the Muslim personal law, and, therefore, I oppose this Explanation. I would request the hon. Minister to see that this Explanation is deleted and does not find a place in the Criminal Procedure Code.

So long as this Explanation remains on record, it is not possible for us to support this Criminal Procedure Code particularly this section in the Bill

I would bring to the notice of the hon. Minister that we have had repeated assurances from the Prime Minister of this country that there will be no interference with the Muslim personal law. She has been giving this assurance repeatedly all the time. Only two weeks ago, I had met her, and she told me also the same thing; I mentioned to her about this clause and also the Adoptions Bill which is at the Select Committee stage, and she gave the assurance that there would be no interference with the Muslim personal law. Recently, the Muslim leaders, led by Maulana Mufti Ateequir Rahman, President of the Muslim Majlis Mushawarat met her on a delegation, and again the Prime Minister had given them the assurance that there would be no interference with the Muslim personal law

You may be aware that some time back, the Congress Parliamentary Party also declared in very clear terms that they did not intend to interfere with the Muslim personal law. In spite of these declarations, if this kind of provision comes here in this Bill, we are afraid that we may have to conclude that while they do make such declarations, that they do not intend to interfere with the Muslim personal law, yet they try to interfere through backdoor methods. That is what we shall be forced to infer. Therefore, I would once again request that the definition given here or the Explanation given in the Bill of the wife should be changed. My hon. friend Shri F. H. Mohsin can very well understand the implication of this provision. Letters have been sent to the Prime Minister by the religious heads of various institutions pointing out this defect. Maulana Mufti Ateequir Rehman and Maulana Mohamed Yusuff Amir Jamait i-Islami and others have written letters. They have clearly pointed out that it is wrong to say that 'wife' means a person who has been divorced by or has

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obtained a divorce from her husband and has not remarried.

Therefore, I would request the hon. Minister to have this Explanation in regard to 'wife' deleted, because it is not only against commonsense but it is against the principles of justice and it goes fundamentally against the Muslim personal law.

SHRI SHAMBU NATH (Saidpur) There is difference between *talaaq* and divorce Divorce is obtained from court, but *talaaq* is obtained under customary law.

SHRI EBRAHIM SULAIMAN SAIT. But maintenance is claimed in both cases, whether it be judicial separation or divorce. Let not my hon. friend expose his ignorance. Here, judicial separation and divorce mean the same thing. In both cases, maintenance has to be paid under this Code to a woman until she remarries or until she dies. It is wrong. Maintenance cannot be claimed to anybody who has been divorced, for period more than what is prescribed by Muslim personal law. As for others, you can do what you like. They are not governed by personal laws. But as far as the Muslims are concerned, they are governed by the Muslim personal law and they have to follow it.

If a period is fixed for giving maintenance, we cannot say that the period should be exceeded and nobody who has been divorced can claim maintenance for a period much more than that. I hope the Minister will consider these points and also keep in view the assurances given by the Prime Minister and also the Congress Parliamentary Party members and various other leaders of Congress.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): We have had a very useful discussion on some aspects of the present Bill which is before the House. Members gave expression to their views from their respective viewpoints and I am grateful to them for whatever opinion they have expressed on some of the changes we have made.

The whole approach in framing this Bill has been that we should try to strike a balance between the needs of a better order on the one hand and the rights of an individual to freedom and to enjoy his property and to the other things that go with these on the other. It sometimes becomes a very difficult exercise. When I heard members interpret some clauses in a manner which was in the nature of an extreme view, I felt that they were speaking from a very limited angle.

Shri Madhu Limaye made an eloquent plea for protection of rights of the citizen, his dignity and the enjoyment of his rights enshrined in the Constitution. He also narrated his personal experience. It is not only a matter of his personal experience. He has definitely made some contribution in the evolution of our thinking, of judicial thinking, on some very basic aspects of the Code.

Many of the things that were said here would again have to be repeated when the clause by clause discussion takes place. I will broadly touch on the viewpoints expressed and try to reply to the arguments raised by hon. members.

Much has been said about security provisions like sections 107, 108, 109 and 110. It has been said that they are very repressive and should not find a place in our statute-book. The needs of society do demand that under certain circumstances some extreme measures have to be taken, some measures which have to be drastic and those that have to be taken on the spur of the moment when there is an imminent danger of breach of peace. In those contingencies, it may not always be possible to go to a judicial magistrate or

any magistrate for that matter and try to get an order from him. To say that the police should not have powers to arrest a person even when he is being apprehended in an act of committing an offence is also to take an extreme view. But we have tried to tone down some of the rigours of the provisions and to make them more limited and to provide more and more safeguards so that there would be very little scope for the abuse of these provisions.

Sometimes the debates took a turn which shows a complete lack of faith not only in the police but the judiciary, the subordinate judiciary or even the higher judiciary. Many of the suggestions that hon. Members have made really stem not so much from the provisions as such but the way they are interpreted in actual practice in some extreme cases. We cannot go about in the formulation of a Code of this nature by keeping in view only extreme cases or trying to make provisions so that they may never occur. That is just not possible. What is possible and practicable is that we should have a Code which should provide protection for the aggrieved individual as well as for an accused person, to see that he is not detained and put in jail for a day more or an hour more than is absolutely necessary; and to provide whenever possible that the discretion should be vested in the court in cases which were earlier within the purview of the police. So, the approach should be that whatever limitations are being sought to be put on the liberty of an individual should be balanced against possibilities of abuse of power, whether by the police or the magistracy, in a negative way. But to take an extreme view that all the security provisions should be taken away, I think, would not be in the interests of society. Situations arise when these steps have to be taken and so these have to be made available. On the whole, these provisions have worked in a proper way and on innumerable occasions, but for these provisions, complete chaos would have resulted and the liberty of the individual would have been endangered and sometimes even the stability of society would have been in jeopardy.

I will not go into the details as to what refinements and improvements we have introduced in this Bill. They will come in when we come to the amendments, but our general approach is that, firstly, we have taken some of the security provisions from the executive magistrates and given them to the judicial magistrates who under this Code are independent of the executive. The separation of the executive and the judiciary is something which we all, greatly desire, and under this Code, for the first time, a uniform scheme is being laid down for the separation of the executive and the judiciary. Before this, the position was that the situation differed from State to State. Some had statutory sanction to the separation; other States had just some administrative arrangements. But after this Code there will be a statutory demarcation of functions between the judiciary and the executive, and that would set the whole thing in a proper frame.

In addition, we have also transferred some powers conferred in some States on the executive Magistrates to the judicial magistrates. That would also ensure greater confidence.

It would not be proper always to distrust the police force which is doing a difficult task under very difficult circumstances, and if there are aberrations we should find administrative and other measures to deal with them. When remarks are made about the judiciary itself, I cannot go into this because we have to take for granted that our judiciary is independent, that it acts in an independent manner and that it is free from executive interference, and that is why we have separated the executive

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and the judiciary on a statutory basis in this Code. So, to have a spirit of distrust all along the line will not make for proper administration of justice or even the proper running of the administrative system. I shall touch two or three points which have been raised; I shall start by referring to legal aid. It is true that equity before law is more or less illusory if legal aid of a competent nature is not made available to a person who seeks redress in a court of law. It is with that end in view that we have incorporated in this Code a provision that an accused person would be entitled to legal aid at Government cost in all cases that are triable by a court of sessions. This is considerable advance from the previous situation. Some of us would have wished to go further also but the whole thing is that the cost of the running of the legal aid system will fall on the State Governments. So, we thought that as a beginning, let us make it incumbent or compulsory for the State Governments to provide legal aid to all accused persons in a court of sessions and after this system had worked for sometime and if the State Governments feel that the resources warrant it, we have made an enabling provision that they could extend the ambit of the legal aid to any extent they like. To make a compulsory provision to cover all types of legal aid would not be possible. Shri Limaye mentioned about the amendment of which he has given notice; he felt that there might be some sort of an abuse and therefore in the Code itself we should say that a list should be prescribed from which the person should be chosen. This would be more or less an administrative arrangement for which the High Court can make rules. I think it would be desirable to make it incumbent upon any person who practices law to serve under the legal aid system. We say this is a noble profession; it is lucrative as well. Senior lawyers particularly should give some part of their time so that the scheme could work well. The point is whether the bar associations could come with some voluntary scheme or whether some legal compulsions should be introduced that a practitioner should give some part of his time for legal aid to the poor. These are ideas which could be thrashed out on some other occasion or in some other forum.

The problem of legal aid is a serious one and it is time that we in this House and the society as a whole went deeper into this matter we should not give sub-standard legal aid to the accused persons. How is it to be done? Merely making a law as suggested by Shri Limaye would not solve the problem. We shall have to put a legal obligation on every lawyer to serve in this and then make a roaster so that he can come turn by turn according to the roaster. This could be taken up separately. The Law Commission has given a separate report on legal aid which the Government is considering and we can seriously think over this matter further and see how it could be made effective.

The provision that we have made is a sufficient advance from the present situation. We have an enabling provision by which the State Governments can take it further if they so desire and if their experience with this system is satisfactory. I do not think it would be advisable to go beyond this at this stage.

As regards limitation, that is also a new idea that has been brought in here. We shall see how it works. To say that the police will collude or prompt to see that limitation expires is not correct because we have made an additional provision here, clause 154, which says that if some person goes to register FIR in a police station and it is not registered there he can go in addition to going to a magistrate to a superior officer and find a remedy. If he wants to get it regis-

tered with the police authority, it will be registered; we have made a small provision in that respect also.

Shri Sulaiman Sait said that the Explanation to section 125 would interfere with the personal law of the Muslims. We have to see what is the purpose of the whole clause. It says "Order for maintenance of wives, children and parents". This comes into effect only in case of extreme hardship when a wife has been neglected and her husband is not maintaining her. The clause gives her a right to go to court and get an order for maintenance against the husband. The Explanation says:

> "'Wife' includes a woman who has been divorced by or has obtained a divorce from her husband and has not remarried".

It has no effect on the civil status of the wife, husband or the divorcee. It has nothing to do with the personal law. If divorce has taken place and is valid under the existing law of divorce, either personal law or otherwise, that is not at all interfered with here. There have been cases and we have received a lot of representations which show that after divorce, women are generally in a very bad plight and it is a very difficult social and humanitarian problem. To cover that category also, we have said that if other conditions are satisfied, a divorced person can also get the benefit of this section. There is no intention to interfere with the personal law of Muslims in any way. This is a humanitarian approach which I think would be found by hon. members to be in consonance with the basic humanitarian traditions of Muslim personal law also. In a situation like this where there is a helpless lady, if we try to help her a little along with other categories of persons, I think this should be welcomed. I do not think Muslim personal law in any way comes into the picture.

SHRI DINESH JOARDER (Malda) You have not replied to the points made by members who spoke in the last session.

SHRI RAM NIWAS MIRDHA: The major points made in last session were about removal of security provisions. That I have touched in a general way, saying those provisions are necessary. We have tried to modify the rigours of this provision and provided more safeguards so that they will not be abused. The possibilities of abuse have been lessened.

15 hrs.

Mr. Anthony mentioned about police powers and committal proceedings Committal proceeding was a thing which we discussed very seriously in the Select Committee. We took a lot of evidence also on that It was felt that committal proceedings are nothing but a repetition of what will ultimately happen in the sessions court. Mr. Anthony said that by rigorous cross-examination at the committal stage he has got a large number of people acquitted. I do not think the purpose of any criminal procedure law should only be that as many people as possible should be acquitted. What we have to see is that the accused gets a proper opportunity to defend himself and, at the same time, to ensure that people who have been properly found to be guilty of certain offences do not go unpunished. That balance can be struck only when we reconcile the two things. Therefore, the removal of committal proceeding was something which was very much welcomed. Even now it is a very important decision that we have taken. It would simplify the procedure. Repeatedly hon. Members have said here as well as outside that the procedure should be shortened and that they should not take too much time because delay defeats justice. This is one of the ways in which the length of the trial would be lessened, the complexity would be lessened and at the same

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time, would preserve the basic approaches which means a proper opportunity to the accused person to defend himself.

With these words I would request that the House may take this motion into consideration. I would like to explain some of the clauses in more detail when we take up the clause by clause consideration.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to consolidate and amend the law relating to Criminal Procedure, as passed by Rajya Sabha; be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We will now take up clause-by-clause consideration.

Clause 2.— (*Definitions*)

SHRI DINESH JOARDER: I beg to move:

Page 2, line 21,—

for "without warrant" *substitute*—

"under order of an appropriate court, the accused against whom a *prima facie* case is established to the satisfaction of the said court" (205)

Page 3, line 8,—

add at the end—

"after establishing a *prima facie* case against the accused to the satisfaction of the court" (206)

Clause 2(c) says:

'"cognizable offence" means an offence for which, and "cognizable case" means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;'

As I mentioned in my speech on the consideration motion, I am objecting to this clause that any police officer may arrest any person without warrant whenever he thinks fit. My fear is that this provision will be used in the interests of big landlords, jotdars and big capitalists and the peasants and labourers who are launching trade union and peasant movement would become the victims of arrest by police without warrant. So, I request that my amendments may be accepted.

SHRI RAM NIWAS MIRDHA: These amendments seek to remove the difference between cognizable and non-cognizable offence, particularly with a view to deprive a police officer of his right to arrest a person without warrant. We cannot agree to this because there are circumstances when a crime is being committed or is about to be committed in front of a policeman. To expect him in such a situation to go to a magistrate and get a warrant of arrest is unrealistic and would result, if I may say so, in complete lawlessness in certain circumstances.

SHRI DINESH JOARDER: As is prevailing in other countries, a suspect may be asked to stay in a particular area, he may not be allowed to go away without the permission of the police. In the mean time, the investigation can continue and if there is a *prima facie* case the police can seek the permission of the court to arrest him.

SHRI RAM NIWAS MIRDHA: So far as I am aware, this power of the policeman to arrest a person without a warrant is available in most of the countries of the world. What is more that we have a difference between cognizable and non-cognizable offences. Most countries do not have that difference also which means that even in non-cognizable offences, in other countries, the policeman can

arrest a person. What happens after arrest? He is well protected and he is produced before the Magistrate within a certain time.

To remove this will be most unrealistic and unacceptable to the Government.

MR. DEPUTY-SPEAKER: Now, I put Amendments No. 205 and No. 206 moved by Shri Dinesh Joarder to the vote of the House.

Amendments Nos. 205 and 206 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(*Construction of references*)
Amendments Made:

Page 4, line 4, *for* "any", *substitute* "an". (14)

Page 4, line 5, *omit* "and". (15)

(*Shri Ram Niwas Mirdha*)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 3, as amended, stand part of the Bill"

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 and 5 were added to the Bill.

Clause 6- (*Classes of Criminal Courts*)

Amendment Made:

Page 5, line 22, *for* "Magistrate", *substitute* "Magistrates".

(*Shri Ram Niwas Mirdha*)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 6, as amended, stand part of the Bill"

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7— (*Territorial divisions*)
Amendment Made:

Page 5, line 30, *for* "division and district", *substitute* "divisions and districts" (17)

(*Shri Ram Niwas Mirdha*)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 7, as amended, stand part of the Bill"

The motion was adopted.

Clause 7, as amended, was added to the Bill

Clause 8 (*Metropolitan areas*)

Amendment Made:

Page 6, line 10, *for* "exclusion", *substitute* "reduction" (18)

(*Shri Ram Niwas Mirdha*)

MR DEPUTY-SPEAKER: The question is:

"That Clause 8, as amended, stand part of the Bill"

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9—(*Court of Session*).

Amendment Made

Page 6, line 23, *before* "other" *insert* "the". (19)

(*Shri Ram Niwas Mirdha*)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 9, as amended, stand part of the Bill"

The motion was adopted.

[Mr. Deputy-Speaker]

Clause 9, as amended, was added to the Bill.

Clauses 10 to 12 were added to the Bill.

Clause 13—(*Special Judicial Magistrates*).

SHRI DINESH JOARDER: I beg to move:

Page 7, line 39,—

after "affairs" insert—

"and has served in the judiciary for a period not less than five years with or above the powers of a Magistrate first class". (227)

In this clause, the High Court has been given the power to appoint any person who holds or has held any post under the Government to act as a member of the judiciary or to act as a Judicial Magistrate:

Here, I want to add the words·

"and has served in the judiciary for a period not less than five years with or above the powers of a Magistrate first class".

The clause, as it reads is·

"The High Court may, if requested by the Central Government or State Government so to do, confer upon any person who holds or has held any post under the Government all or any of the powers conferred or conferable by or under this Code on a Judicial Magistrate of the second class "

Any person who is a government officer may be appointed as a judicial magistrate, whether he has any judicial knowledge or not Therefore I want to amend that as " . and has served in the judiciary for a period not less than five years with or above the powers of a First Class Magistrate" Otherwise, the judiciary will be only a mockery; any person will come and sit on that seat and deliver judgment, whether he thinks fit It would, therefore, be expedient if the Minister can accept this amendment.

SHRI RAM NIWAS MIRDHA: These are special judicial magistrates for which provision is being made in Clause 13, and they would be appointed in special circumstances. Formerly there used to be honorary Benches of magistrates and justices of peace, which we have done away with then. We thought that if special type of cases, particularly petty cases, are to be disposed of in an expeditious way, one way could be to appoint people who are experience in administration and things like that. Therefore, this provision has been made.

SHRI DINESH JOARDER: You must prescribe some qualifications for that person. You have not mentioned any qualifications You only say, 'any government officer'.

SHRI RAM NIWAS MIRDHA: We have said that the High Court will appoint. That, I think, gives enough protection from any possible mischief

MR DEPUTY-SPEAKER: I shall now put amendment No 227 to Clause 13 to the vote of the House

Amendment No 227 was put and negatived

MR DEPUTY-SPEAKER· The question is·

"That Clause 13 stand part of the Bill"

The motion was adopted

Clause 13 was added to the Bill

Clause 14 was added to the Bill

Clause 15—(*Subordination of Judicial Magistrates*).

Amendment Made:

Page 8. line 6, *for* "or", *substitute* "or give". (20)

(*Shri Ram Niwas Mirdha*)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 15, as amened, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clauses 16 and 17 were added to the the Bill.

Clause 18—(*Special Metropolitan Magistrates*)

SHRI DINESH JOARDER I beg to move

Page 8, line 31,—

after 'affairs" *insert*—

"and has served in the judiciary for a period not less than seven years" (228)

Here the contention is the same, Sir The person who is going to be appointed as a pecial magistrate must have ome qualification to try the cases

MR DEPUTY-SPEAKER He has replied to that.

I shall now put amendment No 228 to Clause 18 to the vote of the House

Amendment No 228 was put and negatived

MR DEPUTY-SPEAKER I shall now put Clauses 18 to 24, altogether to the vote of the House

The question is

That Clauses 18 to 24 stand part of the Bill"

The motion was adopted

Clauses 18 to 24 were added to the Bill"

Clause 25—(*Assistant Public Prosecutors*)

Amendment Made

Page 10, line 28, *for* 'as", *substitute* 'as an" (21)

(*Shri Ram Niwas Mirdha*)

MR DEPUTY-SPEAKER The question is

"That Clause 25, as amended, stand part of the Bill"

The motion was adopted

Clause 25, as amended, was added to the Bill.

Clauses 26 to 40 were added to the Bill

Clause 41—(*When police may arrest without warrant*)

SHRI DINESH JOARDER. Sir, I move

Page 15,—

for lines 17 and 18, *substitute*—

'41 (1) Any police officer, on receiving an order from a Magistrate having the appropriate power in this respect, who after considering the report of the said police officer has been fully satisfied and has recorded the reasons therefor, that a person is to be arrested and has issued a warrant to that effect may arrest any person—' (146)

About arresting persons by Police without a warrant I have already stated while discussing my amendment on clause 2(c) that the person should not be arrested without a warrant in any circumstances I again stress my point on this issue

MR DEPUTY-SPEAKER He has replied to that

Now, I will put amendment No 146 to the vote of the House

Amendment No 146 was put and negatived

MR DEPUTY-SPEAKER Now the question is

"That clause 41 stand part of the Bill"

The motion was adopted

Clause 41 was added to the Bill

Clauses 42 to 45 were added to the Bill

[Mr. Deputy-Speaker]

Clause 46—*(Arrest how made).*

SHRI DINESH JOARDAR: I move:

Page 17,—

omit lines 11 to 16. (207)

MR. DEPUTY-SPEAKER: I will put his amendment to the vote of the House.

Amendment No. 207 was put and negatived.

MR DEPUTY-SPEAKER: Now, the question is:

"That clause 46 stand part of the Bill."

The motion was adopted.

Clause 46 was added to the Bill.

Clause 47—*(Search of place entered by person sought to be arrested).*

SHRI DINESH JOARDER: I move:

Page 17, line 22,—

add at the end—

"without applying any force or causing any hurt to any inmates the womenfolk of the said prebody or damaging or looting away any property of the inmates or wounding the religious sentiment of the inmates or outraging modesty or molesting any member of the womenfolk of the said premises" (208).

Page 17—*omit* lines 23 to 41 (209).

Generally what we see in cases where Police search places for persons sought to be arrested, there take place some excesses. In this case the Police has been given the power to search any place to arrest any person who is wanted by the Police. The Police has been given the power to search any place and enter into any place and generally, at the time of searching the Police become very much violent and they torture the inmates and sometimes they assault the inmates also, outrage the modesty of the womenfolk of that place and that is why I want to move this amendment that without applying force they may search any place. My amendment is:

"without applying any force or causing any hurt to any inmates of the premises or beating anybody or damaging or looting away any property of the inmates or wounding the religious sentiment of the inmates or outraging modesty or molesting any member of the womenfolk of the said premises."

These things generally occur when the Police force go to any place for searching any accused person. In the name of search they do generally commit all these offences themselves. So, there should be specific provisions as to under what circumstances they can go and search a place and also they cannot search without limitations. They cannot conduct search everywhere and all the time. So, there should be some limitation to prevent police excesses. So, I move this amendment.

SHRI RAM NIWAS MIRDHA: This amendment is on the same lines as amendment to clause 46. It means that Police will not use force. The Police will in no case use excessive force. It may use that much force which is warranted by the circumstances. These are not the only things. There may be many more things which should be prohibited from the Police. It is understood. It is not necessary. They will not be done in the normal course.

SHRI DINESH JOARDER: But you have not provided any remedy in the Code against such Police excesses. The Police always do such things which amounts to a commission of an offence every time. But there is no provision in the Code where you can get the Police to the court or you can have some remedy against the Police. You should consider also these things.

SHRI RAM NIWAS MIRDHA: You can't have provision for every act that a policeman does. There are superior officers. He works under their disci-

plinary control and if there is any lapse of the normal official conduct, administrative action could be taken. He is liable for civil action and therefore I am unable to accept the amendments.

MR DEPUTY-SPEAKER: I will now put amendments Nos. 208 and 209 to the vote of the House.

Amendments Nos 208 and 209 were put and negatived.

MR. DEPUTY-SPEAKER: Now the question is:

"That Clause 47 stand part of the Bill."

The motion was adopted.

Clause 47 was added to the Bill.

Clauses 48 and 49 were added to the Bill.

Clause 50—(*Person arrested to be informed of grounds of arrest and of right to bail*)

SHRI DINESH JOARDEP: I move my amendments Nos. 210, 211 and 212.

Page 18, line 4,

omit "without warrant" (210)

Page 18, line 4,—

omit "other" (211)

Page 18, line 5,—

omit "than a person accused of a non-bailable offence." (212)

Police are given power to arrest any person without warrant. Police should not arrest any person without warrant. Even if he is arrested under order of court he should then and there be given bail. When a person is arrested under police custody he is beaten up, he is asked to give something to oblige the police officials, he is tortured. If he is arrested under order of the court he should be given bail then and there.

SHRI RAM NIWAS MIRDHA: The same thing I have said already. I have pointed out all these things. We cannot agree to this.

MR. DEPUTY-SPEAKER: I am putting all these amendments Nos. 210, 211 and 212 to the vote of the House.

Amendments Nos 210, 211 and 212 were put and negatived.

MR DEPUTY-SPEAKER: The question is:

"That Clause 50 stand part of the Bill."

The motion was adopted.

Clause 50 was added to the Bill.

Clauses 51 to 56 were added to the Bill.

New Clause 56-A

MR. DEPUTY-SPEAKER: There is a new clause 56-A. Are you moving your amendment?

SHRI DINESH JOARDER: Yes, I move:

Page 19,—

after line 26, *insert*—

"56A. Any person arrested by police under any provisions of the Indian Penal Code or under any other penal or prohibitive laws shall not be beaten or tortured so long as he remains under the police custody." (232)

Sir, I have to put this very categorically under this New Section 56A that any person arrested by police under any provision of the IPC or any other penal or prohibitive laws shall not be beaten up or tortured, so long as he remains under Police custody. This is the specific provision I want to make here. This is a routine affair in police administration everywhere, in all parts of the country and poor people, peasants and labourers who demand certain rights against landlords or employers are beaten up and tortured at

[Shri Dinesh Joarder]

the instance of these people by the police; these police officials collide with them and these labourers, peasants etc. are tortured in the thana brutally This should not happen. We should protect our poor people, our peasants trade union workers, etc. and this provision should be incorporated.

SHRI RAM NIWAS MIRDHA: Well, Sir, that is not at all necessary to insert this clause. Even now it is not permissible. If any person is tortured or beaten by the police, the policeman can be hauled up for causing hurt. There have been cases where even in cases of murder, if some torture has been on the person while in custody had been proved, the policeman can be hauled up. I do not think that they will generally act like this.

MR. DEPUTY-SPEAKER: I shall put amendment No. 232 to the vote.

Amendment No 232 was put and negatived.

Clause 57—(*Person arrested not to be detained more than twenty-four hours*)

MR. DEPUTY-SPEAKER: Now, we shall take up Clause 57 There is an amendment—amendment No 193. Are you moving Shri Madhu Limaye?

SHRI MADHU LIMAYE I beg to move:

Page 19—

after line 32, *insert*—

"Provided that after the passing of any order as to remand the appending of the signature or thumb impression of the person remanded below the order shall be made mandatory.". (193)

उपाध्यक्ष महोदय, इस पर मैं जानबूझकर नहीं बोला था समय बचाने के लिये कि जब वह क्लाज आएगा तब मैं बोलूंगा। मेरी वास्तव में दो तरमीमें है। एक मैंने दी नहीं है, लेकिन अगर मंत्री महोदय राजी हो जायें तो दी जायेगी और दूसरी तरमीम तो मैंने लिख कर दी है। यह बहुत ही महत्वपूर्ण क्लाज है।

हमारे संविधान के पास होने के पहले साधारण नागरिकों को केवल क्रिमिनल प्रोसीजर कोड का जो वर्तमान सेक्शन 61वां है उस के तहत प्रोटेक्शन था। उसके बाद 1950 में 26 जनवरी को हम लोगों ने संविधान लागू किया। अब संविधान का जो 22(2) है और क्रिमिनल प्रोसीजर कोड की जो धारा है उनमें [illegible] मैं बताता हूं। कांस्टीट्यूशन इस प्रकार है :

"Every person who is arrested and detained in custody, shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate".

अब वर्तमान जो सेक्शन है क्रिमिनल प्रोसीजर कोड का जिसको उसमें रिप्रोड्यूस किया गया है वह इस प्रकार है

"No police officer shall detain in custody a person arrested without a warrant for a longer period than, in the circumstances of the case, is reasonable and such period shall not, in the absence of the special order of a magistrate, under Section 167, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the magistrate's court".

अब क्रिमिनल प्रोसीजर कोड के प्रेजेन्ट सेक्शन 61 में और आपके क्लाज 57 में

जो अब है, तथा कांस्टीट्यूशन में फर्क यह है कि कांस्टीट्यूशन में विदाउट वारंट शब्द काट दिया गया है और क्रिमिनल प्रोसीजर कोड में विदाउट वारंट है। उसका महत्व यह है कि स्टेट आफ पंजाब वर्सेस अजायब सिंह नाम के एक फैसले में सुप्रीम कोर्ट ने जो ओबिटर डिक्टा इसके बारे में पास किया है उससे बड़ा खतरा उत्पन्न हो गया है हालांकि वह फैसला नहीं हैं, ओबिटर डिक्टा हैं, लेकिन उससे कन्फ्यूजन उत्पन्न हुआ है। सुप्रीम कोर्ट ने कहा है कि क्रिमिनल प्रोसीजर कोड में और कांस्टीट्यूशन में कोई फर्क नहीं है, यह सही बात नहीं है। क्योंकि विदाउट वारंट शब्द क्रिमिनल प्रोसीजर कोड में है और वह कांस्टीट्यूशन में नहीं है। इसका मतलब है कि मैजिस्ट्रेट वारंट के ऊपर भी गिरफ्तारी हो जायगी तो गिरफ्तारी तो एक्स-पार्टी हो गई, उन्होंने एक्स-पार्टी लिख दिया, एक्यूज्ड या अरेस्टेड परसन को तो सुना नहीं। इसलिये यह अधिकार संविधान का है और मेरी राय में इसके बारे में कोई दो राय नहीं हो सकती कि यह अधिकार चाहे विद वारंट या विदाउट वारंट जिन लोगों को पकड़ा गया है उन सभी लोगों के लिये है। क्योंकि मैजिस्ट्रेट के सामने लाने के बाद उसको मौका मिलेगा कहने का कि आपने वारंट इश्यू करते समय सारे तथ्यों का विचार नहीं किया और हो सकता है कि उनको सुनने के बाद मैजिस्ट्रेट किसी दूसरे नतीजे पर पहुंचे। इसलिये यह सुप्रीम कोर्ट का ओबिटर डिक्टा कि क्रिमिनल प्रोसीजर कोड में और सांविधान की धारा में कोई फर्क नहीं है, यह ठीक नहीं है। इससे कन्फ्यूजन पैदा हुआ है।

इसलिये मेरी आपसे सलाह है कि आप इसको मान जाइये, इस में इम्प्रूवमेंट करने के लिये। मैं इस क्लाज का विरोधी नहीं हूं, लेकिन इसमें "विद और विदाउट वारंट' जोड़ दीजिये, इससे संविधान और सी० आर० पी० सी० में समानता पैदा हो जायेगी।

दूसरा सुझाव—मैं बसु के वाल्यूम 2 की ओर आपका ध्यान दिलाना चाहता हूं—इसमें उन्होंने कहा है कि—

"Firstly, the above pronouncement of the Supreme Court is in the nature of an obiter inasmuch as the decision of the court that 'arrest' in article 22(1)(2) refers to 'arrest' upon allegation or accusation of criminal or quasi-criminal nature was sufficient to dispose of the case before the court, because no such accusation was involved when an abducted person was taken into custody under the Abducted Persons Recovery and Restoration Act, 1949.".

आगे सुप्रीम कोर्ट ने भी कहा है कि धारा 22 के बारे में हमारा यह अन्तिम भाष्य नहीं है। इसलिये जो कन्फ्यूजन उत्पन्न हुआ है, उसको दूर कर दें, विद-और-विदाउट-वारन्ट जोड़ दीजिये तो सब के लिये प्रोटेक्शन हो जायेगा।

दूसरा सुझाव मैंने लिखित दिया है—मैं मानता हूं कि केवल सन्देह के ऊपर कोई क्रिमिनल प्रोसीजर कोड नहीं चल सकता है, लेकिन एक-दो एक्स्ट्रीम केसेज नहीं हैं, हजारों केसेज ऐसे होने लगे हैं। मेरे मित्र, जितने भी लायर्स यहां हैं, चाहे कांग्रेस पार्टी के हों या दूसरे हों, इस बात से इन्कार नहीं करेंगे कि पुलिस वाले गिरफ्तार करके जेल में ले जाते हैं और मैजिस्ट्रेट का हस्ताक्षर करा कर ले आते हैं—ऐसी हालत में इसमें क्या दिक्कत है? मेरी अमेंडमेंट इस प्रकार है :

"Provided that after the passing of any order as to remand the appending of the signature or thumb-impression of the person remanded below the order shall be made mandatory.".

उसको प्रोड्यूस किया गया है, सामने लाया गया है, इसका यह सुबूत मिल जायेगा। इस के बारे में कुछ लोग कह सकते हैं कि जबर-

[श्री मधु लिमये]

दस्ती बाद मे बम्ब-इम्प्रेशन लिया जायेगा, लेकिन वह अलग बात है। इसकी मशा यही है कि जो वास्तव मे अधिकारी हैं उसको सरक्षण देना चाहते है। इस कमी को पूरा करने के लिये ये दो अमेडमेंट्स रखे गये है।

इसलिये मत्री महोदय और आपसे प्रार्थना है कि इस पर विचार करे। मै आपसे अनुरोध करूगा कि मत्री महोदय को विचार करने का मौका देने के लिये आप इस पर वोटिग को विदहोल्ड कीजिये।

MR DEPUTY-SPEAKER: There is only one amendement which he has tabled to this clause Where are the two amendments that he speaks of?

श्री मधु लिमये : एक दिया है, लेकिन एक जबानी कर दिया है, अपकी परमीशन से ऐसा हो सकता है। उपाध्यक्ष महोदय, मै इसी लिये समय माग रहा था क्योकि कल सवा तीन बजे तक मै अमेडमेंट्स लिखता रहा, लेकिन वह रह गया, हर चीज जल्द-बाजी मे हो रही है।

SHRI RAM NIWAS MIRDHA Let him kindly see amendment No 124 to clause 167

SHRI SHIVANATH SINGH (Jhunjhunu) May I just say a word?

MR DEPUTY-SPEAKER Why should there be any argument now? Let the hon Minister reply to that amendment

SHRI SHIVANATH SINGH I want to support his argument If the hon Minister accept the amendment, then I have no objection, but I want to support Shri Limaye's arguments

MR. DEPUTY-SPEAKER: I think it is not necessary now.

श्री शम्भू नाथ . उपाध्यक्ष महोदय, जिस तरह की अमेडमेंट न० 124 है, उसी तरह की मेरी अमेडमेंट है जो इस प्रकार है

"The production of the accused person as required under proviso (b) may be proved by the signature of the accused person on the order authorising detention"

इस अमेडमेंट से परेशानी खत्म हो जाती है।

SHRI MADHU LIMAYE Unless it is made mandatory, how is it possible? Unless the signature is made mandatory, how is it possible?

MR DEPUTY-SPEAKER· Since this is an important amendment, I shall allow Shri Shivanath Singh to speak

श्री शिवनाथ सिंह · सरकार की यह मंशा है कि किसी आदमी को अरेस्ट किया जाय तो उसको इमीडिएटली मैजिस्ट्रेट के सामने पेश किया जाय। जिस आदमी को अरेस्ट करने के लिये वारन्ट इश्यू किया जाता है, उसमे मैजिस्ट्रेट 10 रोज या 15 रोज का समय देता है कि उस समय तक उस एक्यूज को मेरे सामने पेश करो इसके मायने है कि उसको पेश करने की वैलिडिटी 15 रोज है, पुलिस उसको अपनी कस्टडी मे 15 रोज तक रख सकती है। इसलिये यह बहुत जरूरी है कि जैसे ही मैजिस्ट्रेट वारन्ट आफ अरेस्ट इश्यू करे और वह आदमी पकडा जाय उसके 24 घटे के अन्दर उसको पेश किया जाय जिस तरह से विदाउट-वारन्ट मे होता है। इसमे इस बात की वैलिडिटी होनी चाहिये। इसलिये मै मधु लिमये जी की अमेण्डमेंट को सपोर्ट करता हू।

श्री मधु लिमये मैं चाहता हू कि आप इस पर वोटिग को विद-होल्ड कीजिये। मैं मत्री महोदय से बात कर लूंगा और मुझे

विश्वास है कि वह मेरी बात को मान जायेंगे । आप मुझे उनसे बात करने का मौका दीजिये ।

MR. DEPUTY-SPEAKER: Order, please. The only thing I can do is to hear a few more Members on this, before I call the Minister.

श्री मधु लिमये : आप कभी कभी क्लाज को विद्-होल्ड करते है । इसमे किसी को विरोध नही होगा—मै उनसे बात कर लूगा ।

MR. DEPUTY-SPEAKER: That is correct, but I have to do it with the consent of the House. I cannot just do it arbitrarily. Anyway it seems to be an important amendment and so I will hear a few more Members. Shri Jagannath Rao.

SHRI JAGANNATH RAO (Chatrapur): While I appreciate the doubts expressed by Shri Madhu Limaye, I feel that clause 57, as it stands, does not prohibit cases where a person is arrested under a warrant. Where a person is arrested under a warrant he has to be produced before a magistrate within 24 hours, and the magistrate has the jurisdiction. Having issued a warrant the person has to be produced within 24 hours. This clause specifically relates to cases where a person is arrested without a warrant. The omission of the words "with or without" is not necessary.

SHRI B. R SHUKLA (Bahraich): I fully support the suggestion made by Shri Madhu Limaye because if a person is arrested even under a warrant he may not be detained for more than 24 hours. Otherwise, the police is likely to abuse this lacuna because instead of arresting the person by themselves the police might move the magistrate and secure a warrant and in pursuance of that warrant a person is arrested and he may not be produced. So, that would be rather in conflict with the Constitution itself and that would also be contrary to the spirit of the law. Therefore, I endorse the suggestion made.

SHRI C. M. STEPHEN (Muvattupuzha): There could be no difference of opinion with regard to the compelling applicability of article 22. That is there as supervening provision. The purpose of this particular section is to ensure that a person who is arrested without warrant comes at the earliest moment under the jurisdiction of a magistrate. Therefore, it is stated that he must be produced within 24 hours, but a contingency is contemplated where he need not be produced, namely, the magistrate after taking cognizance of it permits the production before him, which may be delayed beyond 24 hours. Now, the contingency in which a person is arrested under a warrant is different. That is provided for under section 76. The arrest takes place under a warrant, and the moment the arrest takes place the person comes under the judicial jurisdiction and the cognizance of the magistrate. Clause 76 says:

> "The police officer or other person executing a warrant of arrest shall (subject to the provisions of section 71 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person."

Therefore, the only thing is, here, it is stated "unnecessary delay". The question whether the delay is necessary or unnecessary is a matter for decision by the magistrate concerned. What I am submitting is the spirit of the law is—both the provisions—that the person must come under the judicial cognizance of the magistrate. As arrest takes place without a warrant in the former section, the specific provision becomes necessary that within 24 hours production may be effectuated. In the other case, that is not necessary at all because it is under a warrant that the arrests take place; immediately before this, without unnecessary

[Shri C. M. Stephen]

delay it is asked for. What I am submitting is in the other case the delay beyond 24 hours will be permissible only if, and if a permission is got from the authorities.

MR. DEPUTY-SPEAKER The point is clear.

SHRI C. M. STEPHEN: I am finishing. In the subsequent case that is provided for Therefore, the spirit of the provision is that he must come under the jurisdiction or cognizance of the magistrate. As section 67 takes care of it, an additional provision is not necessary because that will blur the distinction between the two sections. Section 67 takes care of particular contingency.... (*Interruptions*).

MR. DEPUTY-SPEAKER Order, order. The only question that worries me also is whether this provision in the Constitution, 22(2) contemplates any distinction between 'arrest without a warrant, and 'arrest with a warrant'

SHRI SHANKAR TEWARI (Etawah): In this provision, it is only said, in section 57, that when you arrest without a warrant you have to produce him before a magistrate within 24 hours When a magistrate issues a warrant you give a licence to the police to keep a man in custody for any number of days and perpetuate any atrocity in his hands.

MR. DEPUTY-SPEAKER: That is a point of view which has been made before by others also.

श्री राम रतन शर्मा : उपाध्यक्ष जी, क्लाज 56 और क्लाज 57, दोनों जगह वर्डस—विदाउट वारन्ट, आय हैं । मार्जिनल नोट आप देखें, हमको ऐसा लगता है कि यह कुछ जानबझकर नहीं हुआ बल्कि कुछ ओमिशन हो गया है क्योंकि मार्जिनल नोट में यह लिखा हुआ है । यहां पर जो मार्जिनल नोट है, दोनों क्लाजेज के सामने उसमें—पर्सन अरेस्टेड—है, विद और विदाउट वारन्ट नही लिखा हुआ है । इसलिये मैं समझता हूं, विद और विदाउट वारन्ट दोनों जगह पर आ जाना चाहिये 56 मे और 57 मे ।

श्री शम्भु नाथ 57 के नोट मे है—पर्सन अरेस्टेड नाट मोर दैन 24 आवर्स–इसमे क्लियर है कि 24 घटे से ज्यादा 57 मे डिटेन नही कर सकते है । अगर 24 आवर्स वर्ड्स है तो मैजिस्ट्रेट के सामने पेश किया जायेगा । तब आता है 167 और उसमे हमारा यह अमेन्डमेन्ट हुआ है जिसको गैने पढ़ा है । तो उससे वह पूरा हो जाता है और जो बिल का पर्पज है वह भी हल हो जाता है ।

MR. DEPUTY-SPEAKER. Let us hear the Minister. I would just call the attention of the Minister to this because Mr. Limaye had made this point and it worries me also, whether 22(2) of the Constitution contemplates any distinction between arrest with warrant and arrest without warrant that is a very valid question If it does not contemplate that, then whether this provision will not come in conflict or seek to override the constitutional provision—I think this a very valid question.

SHRI RAM NIWAS MIRDHA Clause 57 refers to a person arrested without a warrant, what would happen in that case. Clause 76 provides that a police officer or any other person executing a warrant of arrest shall without unnecessary delay. . .

PROF. MADHU DANDAVATE (Rajapur): In this clause, it says 'unnecessary delay'. It should be dropped; make it 24 hours.

MR. DEPUTY-SPEAKER: It is vague.

SHRI RAM NIWAS MIRDHA: These are complementary to one another. He cannot retain him even for 24 hours. The right to keep a person for 24 hours is not available to him in 76, he has to do it at the earliest. He is going

on behalf of a warrant of arrest issued by a court and he has to do it at the earliest.

AN HON. MEMBER: What is the harm if the language is made clearer?

SHRI RAM NIWAS MIRDHA: It will create complications.

MR DEPUTY-SPEAKER: 'Unnecessary delay' is a very subjective term; it may mean within 24 hours; it may mean more than 24 hours.

SHRI RAM NIWAS MIRDHA: The Supreme Court has discussed this point and they have held that article 22 does not apply to arrests with warrant.

SHRI MADHU LIMAYE That is an obiter, I cited the case, it is not a decision.

MR. DEPUTY-SPEAKER: Here it is a point of controversy. Whereas the Minister says the Supreme Court has pronounced a judgment on it, Mr. Limaye contests it. Let me hear the minister fully. If there is a controversy on fact about what the Supreme Court has said, it is necessary to look into that.

SHRI C. M. STEPHEN: If at all, an amendment has to be made in clause 76 and not in clause 57.

SHRI DINESH JOARDER: On the pretext of arresting a person without warrant, the police officers are infringing the fundamental rights of the individuals and unnecessarily detaining the accused persons in the police lock-up without any reason.

SHRI RAM NIWAS MIRDHA: I would like to assure you and through you the House that I am completely in one with hon. members so far as the basic idea is concerned, namely, this protection should also be available. I am told that this is already covered and this is not necessary. But still whether it should be here or in clause 76 is a problem. If you like, you can keep it pending for a short time.

MR. DEPUTY-SPEAKER: In exercise of rule 89, I postpone the consideration of clause 57. We can go on with the other clauses. From clauses 58 to 81 there are no amendments, but now a new element has come in because clause 76 is interlinked with clause 57. Let me break it.

The question is:

"That clauses 58 to 75 stand part of the Bill".

The motion was adopted.

Clauses 58 to 75 were added to the Bill.

MR DEPUTY-SPEAKER: The consideration of clause 76 is postponed

The question is:

Clauses 77 to 81 were added to the Bill.

The motion was adopted.

Clauses 77 to 81 were added to the Bill.

Clause 82—(*Proclamation for person absconding*).

SHRI DINESH JOARDER: I beg to move:

Page 24, line 9,—

after "has" *insert* "sufficient" (213)

Page 24, lines 9 and 10,—

for "whether after taking evidence or not" *substitute* "(after taking satisfactory evidence)" (214)

Page 24, line 26,—

after "proclamation" *insert*— "being fully satisfied after taking evidence" (215)

Clause 82 deals with the proclamation. What we generally find is that police officers are over-burdened with cases of peasant movements, labour, trade union and political movements. They do not generally inform the accused person or try to locate and

[Shri Dinesh Joarder]

find out the accused person and inform him that he is wanted. As a matter of routine the police officers appear before the court and seek a proclamation of attachment. The court also without going into the details and without trying to find out the truth of the report issues the proclamation order. The result is that the poor people suffer under this proclamation order. My amendment says that the court before issuing such a proclamation order should take evidence and be satisfied that there are sufficient reasons for issuing a proclamation. I hope in the interests of the rural peasants and the poor people the hon. Minister will accept my amendment.

SHRI RAM NIWAS MIRDHA: Clause 82 itself says:

> "If any Court has reason to believe (whether after taking evidence or not) that any such person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation."

SHRI DINESH JOARDER: The clause says "whether after the taking of evidence or not". I want to make it obligatory on the court to record evidence before a decision is taken on the issue of the proclamation.

SHRI RAM NIWAS MIRDHA: There would be some circumstances when the taking of evidence would take such a long time that it would defeat the purpose for which the proclamation is issued. It will defeat the very purpose. Let us leave it to courts. I am sure, they will exercise their discretion in a proper way.

MR. DEPUTY-SPEAKER: I put Amendment Nos. 213, 214 and 215 moved by Shri Dinesh Joarder to clause 82 to the vote of the House.

Amendments Nos. 213, 214 and 215 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

> "That Clause 82 stand part of the Bill".

The motion was adopted

Clause 82 was added to the Bill.

Clause 83—(*Attachment of property of person absconding*).

SHRI DINESH JOARDER: I beg to move:

> Page 24, line 32,—
>
> *after* "in writing" *insert*—
>
> "being fully satisfied after taking appropriate evidence to the effect" (216)
>
> Page 24, line 36,—
>
> *after* "affidavit" *insert*—
>
> "and through evidence" (217)
>
> Page 25,—
>
> *omit* line 38. (218)
>
> Page 25,—
>
> *omit* line 17. (219)
>
> Page 25, line 25,—
>
> *after* "thereof" *insert*—
>
> "in presence of a Judicial Magistrate". (220)

Sir, it is a case of attachment. I want that without taking any proper evidence to the effect, even after issuing the proclamation, that the accused person has not appeared before the court or the court being fully satisfied that the police has gone to the place of residence of accused person and has tried to arrest him or has tried to find out the accused person, without taking all this evidence, no attachment should be made.

Generally, what happens is that the police issue attachment order of the cattle and the immovable property of the poor villagers and, with the help of that attachment order, they loot away all the belongings the cattle, the chikens and hens and all other things. The police also loot away the ornaments and other things with the help of this order. So, this order should be very rarely issued by the court after taking proper evidence to their full satisfaction.

SHRI RAM NIWAS MIRDHA: Clause 82 was regarding the issue of proclamation for absconding persons. Similarly, clause 83 is about attachment of persons absconding. The difficulty is the same, as I mentioned before. If we take the evidence, the main purpose, that is, expedition would in some cases be lost. That is why, I say, let us leave it to the discretion of the court and that would be satisfactory.

MR DEPUTY-SPEAKER: I put amendment Nos. 216, 217, 218, 219 and 220 moved by Shri Dinesh Joarder to clause 83 to vote.

Amendments Nos. 216 to 220 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 83 stand part of the Bill"

The motion was adopted

Clause 83 was added to the Bill.

Clauses 84 to 91 were added to the Bill.

Clause 92—(*Procedure as to letters and telegrams*).

Amendment Made:

Page 28, line 13, *for* "of a", *substitute* "of a District Magistrate," (22)

(*Shri Ram Niwas Mirdha*)

MR DEPUTY-SPEAKER: The question is:

"That Clause 92, as amended, stand part of the Bill."

The motion was adopted.

Clause 92, as amended, was added to the Bill.

Clause 93 was added to the Bill.

Clause 94—(*Search of place suspected to contain stolen property forged documents, etc.*)

Amendment Made:

Page 28, line 42, *omit* "his" (23)

(*Shri Ram Niwas Mirdha*)

16 hrs.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 94, as amended, stand part of the Bill."

The motion was adopted.

Clause 94, as amended, was added to the Bill.

New Clause 94A

MR. DEPUTY-SPEAKER: Mr. Dinesh Joarder, are you moving your amendment No. 233?

SHRI DINESH JOARDER: Yes, Sir. I beg to move:

Page 29,—

after line 24, *insert*—

"94A. While in case of searching any place including dwelling houses no police officer or any body acting under him or authorised by him shall loot away the property, molest or outrage the modesty of or rape women or beat inmates of the house or the place under search." (233)

I have already mentioned what happens in the name of search of persons wanted by the police for arresting.

Under this Clause also I would like to point out what happens. We generally see that, in the name of search of places for stolen properties, the police officers, without any notice or information, even in the middle of the night, enter, in gang and sometimes

[Shri Dinesh Joarder]

even with goondas, into the dwelling places of the villagers and also of other citizens and in the dead of the night create panic in the village Sometimes in the name of search of stolen properties in the name of search of properties, looted away by breaking open wagons, etc, instead of going to the actual accused persons, the police officers go in the dead of the night to the places of peasants and also of persons against whom they have a grudge and with a view to reaping vengeance loot away their belongings and sometimes even commit outrages on the modesty of the womenfolk and also beat the inmates of the house This provision will act as a check on the unfettered powers of the police officers Therefore, I suggest that this Clause be incorporated

SHRI RAM NIWAS MIRDHA This is on the lines of the amendment that the hon Member moved proposing incorporation of a new Clause, Clause 56A. My reaction to this is also the same

MR DEPUTY-SPEAKER The question is

"Page 29,—

after line 24, *insert*—

"94A While in case of searching any place including dwelling houses no police officer or anybody acting under him or authorised by him shall loot away the property, molest or outrage the modesty of or rape women or beat inmates of the house or the place under search." (233).

The Lok Sabha divided

Division No. 6] **[16.00 hrs.**

AYES

Bade, Shri R V

Banera, Shri Hamendra Singh

Banerjee, Shri S M

Bhagirath Bhanwar, Shri

Bhattacharyya, Shri Dinen

Bhattacharyya, Shri S P

Dandavate, Prof Madhu

Deb, Shri Dasaratha

Dutta, Shri Biren

Haldar, Shri Madhuryya

Halder, Shri Krishna Chandra

Hazra, Shri Manoranjan

Joarder, Shri Dinesh

Kalingarayar, Shri Mohanraj

Koya Shri C H Mohamed

Limaye, Shri Madhu

Madhukar, Shri K M

Manoharan, Shri K

Mohammad Ismail, Shri

Mukherjee Shri Samar

Pandeya, Dr Laxminarain

Reddy Shri B N

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Sait, Shri Ebrahim Sulaiman

Sen, Dr Ranen

Sharma Shri R R

Singh, Shri D N

Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

NOES

Ahirwar, Shri Nathu Ram

Ambesh, Shri

Azad, Shri Bhagwat Jha

Barman, Shri R N

Barupal, Shri Panna Lal

Basumatari, Shri D

Besra, Shri S C.

Bhattacharyyia, Shri Chapalendu

Bist, Shri Narendra Singh

Butta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrika Prasad, Shri
Chhutten Lal, Shri
Daga, Shri M. C.
Desai, Shri D. D.
Deshmukh, Shri K G
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gandhi, Shrimati Indira
Gangadeb, Shri P.
Gautam, Shri C. D.
Gomango, Shri Giridhar
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hari Singh, Shri
Ishaque, Shri A K M.
Jha, Shri Chiranjib
Kadam, Shri J. G.
Kader, Shri S. A
Kalias, Dr.
Kakodkar, Shri Purushottam
Kamakshaiah, Shri D.
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Kotoki, Shri Liladhar
Krishnan, Shri G. Y.
Kulkarni, Shri Raja
Laskar, Shri Nihar
Mandal, Shri Jagdish Narain
Murdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri L. N.
Modi, Shri Shrikishan
Moshin, Shri F. H.
Murthy, Shri B. S
Naik, Shri B V.
Negi, Shri Pratap Singh
Painuli, Shri Parpoornanand
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Tarkeshwar
Pandit, Shri S T.
Panigrahi, Shri Chintamani
Partap Singh, Shri
Pradhan, Shri Dhan Shah
Raghu Ramaiah, Shri K.
Ram Swarup, Shri
Rao, Shri Jagannath
Rao, Shri M. S. Sanjeevi
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri M Ram Gopal
Richhariya, Dr. Govind Das
Roy, Shri Bishwanath
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sarkar, Shri Sakti Kumar
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Shri Madhoram
Shivnath Singh, Shri
Shukla, Shri B. R.
Sohan Lal, Shri T.

Stephen, Shri C. M.

Sunder Lal, Shri

Swaran Singh, Shri

Tewari, Shri Shankar

Tiwari, Shri Chandra Bhal Mani

Tombi Singh, Shri N.

Verma, Shri Ramsingh Bhai

Verma, Shri Sukhdeo Prasad

Virbhadra Singh, Shri

Yadav, Shri Karan Singh

Yadav, Shri R. P.

MR. DEPUTY-SPEAKER: The result* of the division is: Ayes—30; Noes—92.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now, the question is:

"That clauses 95 to 105 stand part of the Bill."

The motion was adopted.

Clauses 95 to 105 were added to the Bill

Clause 106—(*security for keeping the peace on conviction*).

SHRI DINESH JOARDER: I move:

Page 33,—

for lines 13 to 21, substitute—

"(2) The offences referred to in sub-section (1) may be any offence which consists of, or includes, assault or hurt endangering human life or committing mischief." (147)

For keeping peace and maintenance order, sometimes the Police officers issues prohibitory orders under Sec. 144 and other sections. So, who are the victims of these prohibitory orders? Generally, the labourers under trade union movements want to realise some of their demands and they assemble at the gate of the factor or industry, or peasants or labourers organise themselves and they go and demonstrate and organise processions and meetings for realising their demands. These prohibitory orders are generally used against them. So, I move this amendment that the offences referred to in sub-section (1) may be any offence which consists of, or includes, assault or hurt endangering human life or commiting mischief. It should be clearly mentioned as to which are the the types of offences against which these prohibitory orders may be issued. When a human life is endangered or there is any apprehension of assault or commiting mischief, in that case only these prohibitory orders should be issued.

SHRI RAM NIWAS MIRDHA: The Clause itself says that it will be a court of sessions or first-class magistrate who will pass this order. The court will pass only after it is convinced about it and it will not pass any order blindly.

MR. DEPUTY-SPEAKER: I will now put amendment No. 147 to the vote of the House.

श्री मधु लिमये इस पर मुझे बोलना है ।

MR. DEPUTY-SPEAKER: The Minister has replied. Now I have to put it to the House. You are too late. You were busy reading somethings you did not follow what was going on. He moved an amendment and the Minister had replied to it. So, that stage is over now and I am only to put it to the House now.

श्री मधु लिमये नड़ी उपाध्यक्ष महोदय, मझे इस पर बोलने दीजिये । अमेंडमेंट पर बोलने दीजिये ।

MR. DEPUTY-SPEAKER: You are having an amendment under the next clause, 307.

*The following Members also recorded their votes;
AYES: Sarvshri Sarjoo Pandey and Bijoy Modak;
NOES: Shri Appalanaidu.

श्री मधु लिमये उपाध्यक्ष महोदय, इतनी किताबे इतने रेफरेंसेज देखने पड रहे है कि हम तो उसमें उलझ गये। हम ने इसके ओमिशन का अमेंडमेंट दिया था लेकिन टेक्निकली ओमिशन का अमेंडमेंट प्रिन्ट नही किया जाता है। इसीलिए मैंने कहा था कि इसको प्रिन्ट कीजिए।

MR. DEPUTY-SPEAKER: Why do you compel me to do something irregular? All right. As an exception I will do it. But if there is going to be a furore over it, I will not do it.

श्री मधु लिमये : इर्रेगुलर नही है, आप प्रोसीजर की बात जरा समझ लीजिये। . . . (व्यवधान) . . मेरा प्वाइंट आफ आर्डर है।

MR DEPUTY-SPEAKER: All right What is the point of order?

श्री मधु लिमये मै प्रोसीजर पर बोल रहा हू। बात यह है कि हम ने एक अमेंडमेंट ओमिशन का दिया था। लेकिन यहा पर रिवाज यह है कि ओमिशन का अमेंडमेंट प्रिन्ट नही किया जाता है। मेरा यह सुझाव है कि ओमिशन का अमेंडमेंट प्रिन्ट किया जाए और आप हमे मूव करने दीजिये ताकि हमे पता चल सके और आप को भी बुलाने मे सुविधा हो। जिन ओमिशन का जो अमेंडमेंट दिया था उनकी जानकारी होनी चाहिए थी।

MR DEPUTY-SPEAKER: This is a new procedure. Kindly sit down. If you had given in time I don't see why it could not be printed and circulated. Order please. I don't follow Hindi very well. Now I have under stood it. You have given an amendment in time. But your amndment is to remove a certain clause and that is Garred, by the rules. That is the point. Under our rules an amndment shall not be moved which has merely the effect of a negative vote.

श्री मधु लिमये लेकिन बोलने का मौका तो मिलता है।

मै मूव नही कर रहा हू। . . . (व्यवधान) . . . . .

I am also misled by the order paper.

MR. DEPUTY-SPEAKER: Let us not have a controversy on this. I would have allowed you if you had stood up in time. It is not my intention not to allow you, but now, the point is this. He has spoken; the Minister has replied.

SHRI N. K. P. SALVE (Betul): If it is an important point, let him be allowed to say a few words.

MR. DEPUTY-SPEAKER: Any way let us make this exception to the rule. It cannot be a precedent. So, you please speak.

श्री मधु लिमये मै इस पर क्यो बोलना चाहता हू। जब यह मामला सुप्रीम कोर्ट में आया था तो मैंने क्रिमिनल प्रोसीजर कोड के पूरे इतिहास का अध्ययन किया था। मुझे यह मिला बहुत पुरानी बात है, 19वी शताब्दी की सरकार की रिपोर्ट थी और उसमे यह विचार किया गया था कि जितने केसेज 106 के तहत होते है उसमे कितने लोग जमानत या बाड दे पाते है, इसकी उन्होंने जाच की और जाच करके यह निर्णय दिया कि बहुत कम ऐसे लोग है जो जमानत दे पाते है क्योकि अधिकतर गरीब लोग पकडे जाते है जिनका जीवन स्तर बहुत निम्न होता है और उनके लिये जमानत देने के लिये कोई तैयार नही होता। जमानत का धन्धा आज कल चलता है दस प्रतिशत, पन्द्रह प्रतिशत लिया जाता है। तो ऐसी हालत में जहां तीन

साल का प्रावधान किया गया है उस का सीधा मतलब यह होता है कि बिना ट्रायल और बिना किसी जुर्म के क्योंकि वह जमानत नहीं दे सकता है इसलिये हजारों गरीबों को तीन साल जेल में रहना पड़ेगा । अगर इसके ऊपर आप पुनर्विचार करने के लिए तैयार नहीं है तो न कीजिये मैं बैठ जाता हूं ।

MR DEPUTY-SPEAKER Now, the Minister's reply is the same as he has replied He says that he does not have anything more to say I am physically nearer to the Minister and by his signs I can understand that he does not have anything to say Don't take it in any metaphorical sense

I shall now put amendment Number 147 to vote

Amendment No 147 was put and negatived

MR DEPUTY-SPEAKER The question is

"That Clause 106 stand part of the Bill"

The motion was adopted

Clause 106 was added to the Bill

Clause 107—(*Security for keeping the peace in other Cases*

MR DEPUTY-SPEAKER Now we take up clause 107 Are you all moving your amendments?

SHRI SHAMBHU NATH I beg to move

Page 33 line 32—*omit* "with or" (118)

SHRI C D GAUTAM (Balaghat): I beg to move

Page 33, line 32,—

Omit "with or without sureties," (127)

SHRI DINESH JOARDER: I beg to move:

Page 33, line 26,—

for "an Executive" *substitute* "a Judicial" (136)

SHRI DINESH JOARDER I beg to move

Page 33,—

for Clause 107, *substitute*—

"107 Any Magistrate having appropriate power, receiving information that any person who is a habitual offender and has been previously convicted for any offence relating to human body or life or for theft burglary, robbery or decoity and is likely to commit such offence at any time and is of opinion that there is sufficient ground for proceeding, may, in the manner hereinafter provided require such person to show cause why he should not be ordered to execute a bond" (148)

Page 33 —

for lines 31 to 34, *substitute*—

"hereinafter provided require such person to show cause why a proceeding should not be started against him in the matter" (149)

Page 33,—

Omit lines 35 to 40 (150)

SHRI MADHU LIMAYE I beg to move·

Page 33, line 33—

for "one year" *substitute* "six months" (194)

श्री शम्भूनाथ . उपाध्यक्ष महोदय, यह अमेंडमेंट नं० 118 पेज 33 लाइन 32 में है । इसमे बहुत सिम्पल सा अमेंडमेंड है—विद आर विदाउट, विदाउट जो है वह प्रिन्ट नही किया गया था, मिस्टेक हो गई थी तो उसका अमेंडमेंट दिया है कि विद आर विदाउट बिलकुल निकाल दीजिये । इसका कारण यह है कि, यह कहा गया है कि पुलिस मिसयूज करती है, तो ऐसी हालत मे गरीब आदमी ज्यादातर जमानत वगैरह नही दे पाते, क्योंकि इकोनामिक हालत उनकी अच्छी नही होती और वह गरीब होने के कारण परेशान होते है । दूसरी तरफ लीगल पहलू इसका यह है कि जिस आदमी से ब्रीच आफ पीस होता है वह उसके लिये जिम्मेदार हो । समाज के लिये अगर उससे ब्रीच आफ पीस है तो या तो वह जेल मे रहे और नही तो उसके एवज मे दूसरे लोग जो उसके परिवार के है वह सफर न करे । इसी के ऊपर और भी हमारा अमेंडमेंट है कि जमानत के कारण से पूरा परिवार रूइन न हो और इसको पूरा था रोली कमेटी म डिस्कस किया गया था और मेरा खयाल है कि उस समय ऐग्री भी हो गय थ, तो मैं उम्मीद करता हू कि मत्री महादय इसका स्वीकार करेंगे ।

श्री मधु लिमये उपाध्यक्ष महोदय मैं शम्भूनाथ जी के सशोधन का भी समर्थन करता हू और मे अपना सशोधन भी रखता हू ।

श्री दिनेश जोरदार हमारा भी है ।

श्री मधु लिमये अगर है तो मैं उसका भी समर्थन करता हू ।

उपाध्यक्ष महोदय , मै सभी सशोधनो का समर्थन कर रहा हू । इसमे दो मुद्दे हैं—पहला—विद-और विदाउट-स्योरिटी । जैसा 106 के बारे मे मेरा मुद्दा था, जमानत देना गरीबों के लिये असम्भव है, एक तो 10–15 प्रतिशत की लूट करो या जेल मे बन्द रहो । इसलिये मेरा अनुरोध है कि इनके सशोधन को मान लिया जाय ।

यदि 107 आपातकालीन धारा है तो इसमे हैबिचुअल ओफेन्डर्स का कोई सवाल नही है जिनको पहले सजा हो चुकी है, उनकी बात भी नही है । इसलिये आपातकालीन धारा को देखते हुये एक साल की क्या जरूरत है एक साल की जगह 6 महीने कर दें । इसमे शान्ति के लिये, अमन के लिये जो खतरा है उसका भी मुकाबला कर सकेंगे और जो बेकार उन लोगो की स्वतन्त्रता एक साल के लिये छीन रहे है, वह नही छीनी जायगी । इसलिये एक साल की जगह 6 महीने कीजिये ।

दूसरी बात—"विद-स्यारिटी" वाली बात काट दीजिये ।

SHRI DINESH JOARDFR I have moved some specific amendments to these c auses Clause 107 is a very notorious clause This applies to the offences mentioned in chapter VIII of the IPC, namely offences against public tranquillity This is the chapter which prohibits the assembly of persons which assembly in the eyes of the Government and in the eyes of the police particularly very often turns out to be an unlawful assembly, and it relates to unlawful assembly being a member of an unlawful assembly, joining an unlawful assembly etc

This chapter dealing with offences against the public tranquillity is generally meant for curbing the democratic and trade union movements and peasant movements of the down-trodden people We know under what circumstances the provisions of section 144 and other provisions of the IPC and section 107 of the Criminal Procedure Code are applied

Nowadays, the condition of the poor people is becoming very critical day by day due to the price rise and other things, and consequently, trade union

[Shri Dinesh Joarder]

movements and the movements of the workers and peasants are being intensified day by day These provisions have been incorporated again in this Bill with a view to having some power to curb these movements Actually this Chapter should have been totally dropped But since we are not able to move amendment seeking to delete the entire chapter VIII of the Criminal Procedure Code corresponding to chapter VIII also of the IPC to which these provisions generally apply since those amendments would be negative in character, therefore, in a round about way we have put forward some amendments to these clauses 106, 107 and 108

Under section 107 of the Criminal Procedure Code a group of peasants or workers can be issued notice asking them why they should not be ordered to execute a bond to maintain peace and tranquillity What do Government want? They only want to protect the interests of the employers and the landlords They do not want that the peasants and the workers should unite together and assemble and demonstrate and organise processions and hold meetings for realising their demands and therefore these provisions in section 107 etc are generally applied against those persons Never have we seen these provisions being applied against the real criminals or real miscreants or blackmarketeers and hoarders or anti-social elements or economic and social criminals of our society But the police officers in the name of maintaining law and order when they find that some labourers and peasants are organising themselves and going in a procession promulgate section 144 and they issue orders under section 107 asking them to execute a bond and to maintain peace and they adopt all these oppressive measures I want the provisions of clause 107 deleted altogether

Clause 107 (1) reads like this

"When an Executive magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity ."

Why executive magistrate? In almost all the States the judiciary has been separated even at the magisterial level. Why then the executive magistrate? At least if there is any order to be issued by a magistrate, it should be by a judicial magistrate Regarding clause 107, I have also moved a substitute amendment which reads thus

For clause 107, *substitute*—

"Any magistrate having appropriate power, receiving information that any person who is a habitual offender and has been previously convicted for any offence relating to human body or life or for theft burglary, robbery or dacoity,—"

MR DEPUTY-SPEAKER Well has it not been circulated?

SHRI DINESH JOARDER I want to put it on record

" and is likely to commit such offence at any time and is of opinion that there is sufficient ground for proceeding may in the manner hereinafter provided require such person to show cause why he should not be ordered to execute a bond'

In these limited case and also in the case of the hoarders and blackmarketeers the court may issue orders for keeping the peace and tranquillity so that they may not recur In the food riots what is happening now is that because of the food hoarders the riot is happening In that cas they are not using even the provisions under 107 against them But the poor people and workers and peasants are victimised under this provision So, I commend that all these amendments to clause 107 be accepted by the House

SHRI R V BADE (Khargone): I support the amendments of Shri Joarder, because this section is already

misused by the police and is used against the Opposition. Whenever we organise a *marcha*, they misuse this section and so I think this section is already misused not against the peace-breakers but against the peace-lovers. When we go in a *marcha*, they say it is against the Government and so we are arrested and the powers are given to the sub-divisional magistrate. A sub-divisional magistrate is a Deputy Collector, he is also the administrative officer. He just issues it without saying the reasons. Only the police officer says that a warrant should be given. Because under the provisions of section 107(3) only the Opposition members are arrested I support Mr. Joarder in this case.

SHRI RAM NIWAS MIRDHA: Sir, I would accept the amendment moved by Shri Shambu Nath which would read thus; that is, these words would be delated—"with or without sureties,"—There is a slight mistake in printing It does not make sense.

MR. DEPUTY-SPEAKER: That is Shri Gautam's

SHRI RAM NIWAS MIRDHA: After this, I hope—

MR. DEPUTY-SPEAKER: Which amendment are you accepting? 127 or 118?

SHRI RAM NIWAS MIRDHA: Both are the same.

MR DEPUTY-SPEAKER: The first one is very ambiguous.

SHRI RAM NIWAS MIRDHA: The second one—127.

MR. DEPUTY-SPEAKER: "With or without sureties,"?

SHRI RAM NIWAS MIRDHA: These four words should be removed.

MR. DEPUTY-SPEAKER: The wording of amendment 127 is, "with or without sureties,".

SHRI RAM NIWAS MIRDHA: Line 33. It means that the bond could be without sureties now. With this, I hope Shri Madhu Limaye would not press for "six months" or "one year". The main difficulty is that Mr Joarder's amendments are very restrictive because they impose certain conditions under which this would operate. But we feel that the present wording is better. It covers a much wider situation.

It would be invoked only when there is danger or breach of peace.. (*Interruptions*).

SHRI DINESH JOARDER: Even at the time of passing MISA Act you said it would not be applied to political workers, but almost all the prisoners under that Act are political workers. You do not keep to what you say in Parliament.

SHRI RAM NIWAS MIRDHA: In that case, clause 122 also will have to be amended after I have accepted Shri Gautam's amendment.

SHRI MADHU LIMAYE: You will have to amend clauses 111 and 116 also.

MR. DEPUTY-SPEAKER: Now I shall put amendment No. 127 to the vote of the House.

The question is:

Page 33, line 32,—

Omit "with or without sureties," (127).

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put all the rest of the amendments to clause 107 to the vote of the House.

Amendments Nos. 118, 136, 148, 149, 150 *and* 194 *were put and negatived.*

SHRI DINESH JOARDER: I wanted to challenge the voting on one amendment.

MR. DEPUTY-SPEAKER: You did not object to the procedure when I said that I would put all the rest of the amendments to the vote of the House. Kindly understand the procedure. Voting can be challenged only with reference to one amendment, not to all the amendments together. Please be alert next item If you want any particular amendment you may say that you would like that particular amendment to be put to the vote of the House separately I shall now put clause 107 to the vote of the House

The question is:

"That Clause 107, as amended, stands part of the Bill"

The motion was adopted

Clause 107, as amended, was added to the Bill.

MR DEPUTY-SPEAKER We shall now take up clause 108.

Clause 108—(Security for good behaviour from persons disseminating sections matters)

SHRI DINESH JOARDER Sir, I have got certain amendments Nos 137, 151, 152, 153, 154.

Page 33 line 48,—

Omit "section 124A or" (137)

Page 33,—

Omit lines 47 to 49 (151)

Page 34, line 1,—

Omit "(b)" (152).

Page 34, line 6,—

for "such as" *substitute* " ", (153).

Page 34,—

Omit line 7 (154).

Clause 108 deals with security for good behaviour from persons disseminating sedicious matters. I have said previously also that clause 108 relating to any matter or publication which is being punishable under section 124(A) is very objectionable. Because 124(A) of the Indian Penal Code says that nothing can be said against the Government. It says:

> "Whoever by words either spoken or written or by signs or by display or representation or otherwise brings or attempts to bring in hatred . or attempts to excite or create a disaffecion towards the Government established by Law shall be punishable."

It means we are not able to criticise the policies of the Government and held meetings and speak against the Government. Even if we propagate something about our ideology which goes against the existing Government, the provisions of clause 108 can be applied This is a very undemocratic provision and it should not exist in a free society That is why through my first amendment I want the words "section 124A or" should be removed from clause 108(1)(a) As regards the other amendments I want that no person should be asked to execute a bond unless he is a convicted criminal.

These are my amendments and I hope the Minister will accept them

श्री मधु लिमये उपाध्यक्ष महोदय, मेरा भी संशोधन इसी तरह का है। 124-ए के बारे में जो उन्होंने तर्क दिया है उससे मैं सहमत हूं और अगर पीनल कोड में आश्वासन देंगे कि गवर्नमेंट की जगह पर स्टेट लायेंगे तो उसके बारे में हम पुनर्विचार करने के लिये तैयार हैं। मंत्री महोदय को मालूम होगा कि लोकमान्य तिलक, महात्मा गांधी आदि लोगों को इसी दफा की तहत 6-6 साल की सजायें दी गई थीं। पूरे राष्ट्रीय आन्दोलन ने इसकी मुक्तकंठ से आलोचना की है। अभी अभी मणीपुर के बारे में एक केस आया था, 124-ए के बारे में कार्यवाही की गई थी तो

मणीपुर विधि समिति की बैठक में मैंने केस उठाया था और श्री कृष्ण चन्द्र पन्त ने इस बात को माना कि एक आदमी के खिलाफ 124-ए का चार्ज लगा था और उसको उन्होंने विदड्रा किया। तो ऐसी हालत मे 124 को रखने का कोई मतलब नही है। वैसे तो पूरे सेक्शन को खत्म करने के पक्ष मे हू लेकिन उसको खत्म करने के लिये आप तैयार नही है तो 124-ए की बात मान लीजिये। इसमे कोई बात ही नही है, राजनीतिक आन्दोलन की गरिमा है।

DR. RANEN SEN (Barasat): I want to speak on this clause because years ago, in 1934 I was a victim of this section 124A. One can understand if it is disaffection against the State, because 'State' is a higher concept than the Government. Today we are seeing that most of the Congress Governments are toppling down because of the Congress members themselves. So, why say 'Government'? We have every right as citizens of this democratic country—we call our country as democratic—to criticise the Government of a State or the Central Government. I can understand objection against criticism of the Indian Republic. But if we claim to be a democratic country and with a democratic Government, every citizen should have the right to criticise the Government if he thinks that the Government is going in a wrong direction. The Minister should try to understand the difference between "State and "Government".

SHRI RAM NIWAS MIRDHA: This clause is used under very exceptional circumstances and the orders under this section can be passed only by a judiciary magistrate to take security for good behaviour from persons disseminating seditious matters. Regarding the suggestion that section 124A should be deleted, my submission is that it has no effort on the right to make speeches or exercise the freedom of speech. This section has never come in the way of this government or any other government being criticised to any extent.

Then, as regards the definition of "Government" and "State" the Select Committee on the Indian Penal Code would consider this suggestion.

श्री मधु लिमये : एक केस मे सुप्रीम कोर्ट ने यह निर्णय दिया है कि इट शुड बी रेट डाउन। उनको-स्ट्राइक डाउन करना चाहिए थे लेकिन आम-तौर पर यह स्ट्राइक डाउन नही करती है। इस रोशनी मे उनको सरकार की ओर से आश्वासन देना चाहिए। इसमे क्या तकलीफ है ?

SHRI RAM NIWAS MIRDHA: It is not proper to demand an assurance for a Bill which is pending before a Select Committee. The Supreme Court has already held that mere speeches do not come within the ambit of the Act. This section has been interpreted to mean that mere making of speeches is not actionable but only these speeches that lead to public disorder come within the mischief of this section. So, the fear of the hon. Member that any criticism of the Government would come within the ambit of section 124A is not correct.

SHRI DINESH JOARDER: The hon. Minister has referred to the definition of the word "Government". The Indian Penal Code says "The word 'government' denotes the Central Government or the Government of a State." That will mean the State of India as well.

Secondly, he said that only those speeches which create disorder will come within the mischief of section 124A. It is misleading to say that only speeches which create disorder will come under thi section.

There is no such thing in Clause 124A.

SHRI RAM NIWAS MIRDHA: I am not misleading the House. I say, with all sense of responsibility, the

[Shri Ram Niwas Mirdha]

Supreme Court has interpreted this Section to mean that "public order" is involved.

MR. DEPUTY-SPEAKER: Now, if you want any particular amendment to be put to the vote of Houe separately, you tell me.

SHRI DINESH JOARDER: Amendment No. 137.

MR. DEPUTY-SPEAKER: The question is:

Page 33, line 48,—

Omit "section 124A or" (137)

The Lok Sabha divided:

Division No. 7] **[16.49 hrs.**

AYES

Bade, Shri R. V.
Banera, Shri Hamendra Singh
Bhagirath Bhanwar, Shri
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.
Chaudhary, Shri Ishwar
Deb, Shri Dasaratha
Dutta, Shri Biren
Haldar, Shri Madhuryya
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Koya, Shri C. H. Mohamed
Limaye, Shri Madhu
Modak, Shri Bijoy
Mohammad Ismail, Shri
Mukherjee, Shri Samar
Pandey, Shri Sarjoo
Patel, Shri H. M.
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sen, Dr. Ranen
Sharma, Shri R. R.
Verma, Shri Phool Chand

NOES

Aga, Shri Syed Ahmed
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Banamali Babu, Shri
Barman, Shri R. N.
Besra, Shri S. C.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrika Prasad, Shri
Chaudhary, Shri Nitiraj Singh
Choudhury, Shri Moinul Haque
Das, Shri Dharnidhar
Deshmukh, Shri K. G.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gautam, Shri C. D.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Ishaque, Shri A. K. M.
Jaffer Sharief, Shri C. K.
Jamilurrahman, Shri Md.
Jha, Shri Chiranjib
Kadam, Shri J. G.
Kailas, Dr.
Kakodar, Shri Purushottam
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Kotoki, Shri Liladhar
Kotrahetti, Shri A. K.
Krishnan, Shri G. Y.
Kulkarni, Shri Raja
Kushok Bakula, Shri
Lutfal Haque, Shri
Mahajan, Shri Vikram
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain

Maurya, Shri B. P.
Mirdha, Shri Nathu Ram
Mishra, Shri L. N.
Modi, Shri Shrikishan
Mohsin, Shri F. H.
Murthy, Shri B. S.
Naik, Shri B. V.
Negi, Shri Pratap Singh
Painuli, Shri Paripoornanand
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Panigrahi, Shri Chintamani
Partap Singh, Shri
Patil, Shri Krishnarao
Patil, Shri T. A.
Patnaik, Shri Banamali
Pradhan, Shri Dhan Shah
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Ram Surat Prasad, Shri
Ram Swarup, Shri
Rao, Shri Jagannath
Rao, Dr. V. K. R. Varadaraja
Roy, Shri Bishwanath
Saini, Shri Mulki Raj
Sankata Prasad, Dr
Sayeed, Shri P. M.
Shambhu Nath, Shri
Shankaranand, Shri B.
Sharma, Shri Nawal Kishore
Shivnath Singh, Shri
Shukla, Shri B. R.
Stephen, Shri C. M.
Sudarsanam, Shri M.
Sunder Lal, Shri
Tayyab Hussain, Shri
Tewari, Shri Shankar
Tiwari, Shri Chandra Bhal Mani
Tula Ram, Shri
Unnikrihsnan, Shri K. P.
Venkatasubbaiah, Shri P.
Verma, Shri Ramsingh Bhai
Verma, Shri Sukhdeo Prasad
Virbhadra Singh, Shri
Yadav, Shri Karan Singh
Yadav, Shri R. P.
Zulfiquar Ali Khan, Shri

MR. DEPUTY-SPEAKER: The result* of the division is: Ayes—24; Noes—90.

The motion was negatived.

MR. DEPUTY-SPEAKER: I will now put the rest of the amendments to Clause 108 to the House.

Amendments Nos, 151 to 154 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 108 stand part of the Bill."

The Motion was adopted.

Clause 108 was added to and the Bill.

Clause 109—(Security for good behaviour from Vagrants and suspected persons

Amendment Made:

Page 34, in the marginal heading,

omit "vagrants and" (24)

(Ram Niwas Mirdha)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 109, as amended, stand part of the Bill."

The Motion was adopted.

Clause 109, as amended was added to the Bill.

*The following Members also recorded their votes for 'NOES'. Sarvashri Kartik Oraon, K. Chikkalingaiah, Aziz Imam, Jagannath Mishra and Prof. Narain Chand Parashar.

Clause 110—(*Security for good behaviour from habitual offenders*).

SHRI DINESH JOARDER: I beg to move:

Page 35,—

for line 6, *substitute*—

"(g) the Customs Act, 1962;

(h) the payment of Wages Act;

(i) the Bonus Act;

(j) the Companies Act;

(k) the Factories Act;

(l) the Land Reforms Act (if operating in any State);

(m) the Estates Acquisition Act (if operating in any State):

(n) any Act or Acts of any State Government which may from time to time by notification include the same under this sub-clause; or" (155)

Page 35, line 9,—

after "corruption," *insert*—

"any taxation, exercise or customs laws." (156)

Page 34,—

omit lines 40 and 41 (167)

In clause 100, security for good behaviour from habitual offenders has been sought. But in sub-clause (f) it has been stated that when a Judicial Magistrate of the first class receives information that there is within his local jurisdiction a person who:

"habitually commits, or attempts to commit or abets the commission of—

any offence under one or more of the following Acts namely,

the Drugs and Cosmetics Act, 1940;

the Foreign Exchange Regulation Act, 1947;

the Employees, Provident Funds Act, 1952;

the Prevention of Food Adulteration Act, 1954;

the Essential Commodities Act, 1955;

the Untouchability (Offences) Act, 1955;

the Customs Act, 1962; or....."

These are very welcoming provisions no doubt. But some other important Acts have been left out. I want that the following Acts also should be incorporated in the above provision, namely, the Customs Act, 1962, the payment of Wages Act, the Bonus Act, the Companies Act, the Factories Act, the Land Reforms Act, the Estates Acquisition Act and similar other Acts affecting the rights and interests of peasants, labourers, employees and toiling masses. These Acts should also be incorporated in this provision with appropriate provision for inclusion of new Acts also after passage of this Criminal Procedure Code Bill.

Now I come to my amendment No. 156. Here in the Bill it is stated:

"any offence punishable under any other law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or of corruption...."

These are very good and welcoming provisions. Here it should also be added:

"any taxation, excise or customs laws".

There is no provision here to deal with these who are not paying income-tax or who are flouting income-tax law or who are concealing income tax or excise duty, who are violating the provisions of taxation, excise and customs laws; their cases are not incorporated in these penal provisions. I want that these cases should also be incorporated.

My amendment No. 167 relates to omission of the following:

"habitually commits, or attempts to commit, or abets the commission of offences, involving a breach of the peace, or"

I do not know why 'breach of the peace' has been brought here.

There are other provisions.

So, I want that these amendments should be made accepted by the Minister.

SHRI RAM NIWAS MIRDHA: I would like to make it clear that it was very carefully considered as to what offences should be brought within the ambit of this clause—one is a person who is by habit a robber, housebreaker, thief or forger, or (2) who is by habit a receiver of stolen property knowing the same to have been stolen, etc., etc., I think this list has the approval of the Select Committee and it was done after a great thought and I do not see whether we should add to this. These are the more important of the provisions and it was thought only they should be included in this.

So far as these Acts are concerned, to which a reference has been made, no doubt, they are also of a nature where a provision of this nature would have been helpful. But, at this stage, without knowing what exactly their provisions are and in what way they are being contravened, it is not possible for me to accept this amendment.

As regards other amendments....

SHRI DINESH JOARDER: You can assure the House that after going through these Acts.....

SHRI A. K. M. ISHAQUE (Basirhat): All those Acts have their own penal provisions.

SHRI RAM NIWAS MIRDHA: I do not know what difficulties they will create. The whole Committee went into this and one of the reasons was the one mentioned by the hon. Member now. While I have sympathy for what he is saying, it is very difficult for me to accept these.

MR. DEPUTY-SPEAKER: Now, I will put amendments Nos. 155, 156 and 167 to the vote of the House.

Amendments Nos. 155, 156 *and* 167 *were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That clause 110 stand part of the Bill."

The motion was adopted.

Clause 110 *was added to the Bill.*

Clauses 111 *and* 112 *were added to the Bill.*

Clause 113—(*Summons or warrant in case of person not so present.*)

SHRI DINESH JOARDER: I move: Page 35,—

Omit lines 29 to 35 (168).

In this case if a person is not present in the court, who is supposed to commit a breach of peace, the Magistrate may issue summons requiring him to appear. That part is all right. But the latter part where it is said that that person may be arrested also when such breach of peace cannot be prevented otherwise then by the immediate arrest of such person, is not acceptable to us and we object to it. Generally, who are the victims of these provisions? As I have already said, it is the trade union workers, the peasants and the political workers and if a person is required to appear before the court and if he is arrested then and there without giving him an opportunity to appear himself before the court, it is objectionable and this latter part of the Sec. 113 should be deleted.

SHRI RAM NIWAS MIRDHA: The operative part here is that the Magistrate can order immediate arrest of the person only when such breach of peace cannot be prevented otherwise than by arrest. That is the main important thing and only when finds that there is no other way but to order his arrest, he would have to resort to this. The amendment of the hon. Member is not acceptable to the Government.

MR. DEPUTY-SPEAKER: I will put the amendment to the vote of the House.

Amendment No. 168 was put and negatived.

17 hrs.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 113 stand part of the Bill."

The motion was adopted.

Clause 113 was added to the Bill.

Clauses 114 and 115 were added to the Bill.

Clause 116—(*Inquiry as to Truth of Information*).

SHRI SHAMBHUNATH: I beg to move:

Page 36, line 11,

for 'Pending' *substitute*—

"After the commencement and before" (119)

MR. DEPUTY-SPEAKER: Amendment No. 128 is the same as No. 119 which has already been moved. Mr. Shambu Nath has already moved it.

SHRI DINESH JOARDER: I beg to move:

Page 36,

omit lines 11 to 28 (169).

Page 36,

omit lines 41 to 44 (170).

SHRI MADHU LIMAYE: I beg to move:

Page 36,

(i) line 28, *add* at the end, and

(ii) after line 28, *insert*—

"Provided further that no such order shall be made unless at least one witness has first been examined and allowed to be examined by the Magistrate concerned." (196)

Page 36 line 43,—

for "six months" *substitute* "three months." (197).

MR. DEPUTY-SPEAKER: These amendments are before the House. Shri Shambunath.

SHRI SHAMBHUNATH: My amendment says:

Page 36, line 11, *for* "Pending" *substitute*—

"After the commencement and before"

107 से लगातार जितने और सेक्शन हैं 116 तक उसके परिणाम-स्वरूप यह है। कोई ब्रीच आफ पीस होता है तो उसके बाद में और उसमें जब मैजिस्ट्रेट प्रोसीड करता है, शुरू कर देता है टु एन्क्वायर दि ट्रथ, उस दरमियान में अगर यह होता है तो उसके लिये यह है कि आफ्टर दि कमेन्समेंट ऐंड बिफोर दि कम्लीशन आफ दि एन्कवायरी। मैं उम्मीद करता हूं कि मंत्री महोदय इसको स्वीकार करेंगे।

SHRI DINESH JOARDER: An order under Section 111 is there and it is explained under section 112. A person is brought before a magistrate. There is concurrence of magistrate. This comes to him under prevention of breach of peace. Under section 113

power is given to arrest the person. But again Sir, when Section 116 is there there is enquiry and magistrates have proceeded to enquire into the truth of the information upon which action is taken, and to take further evidence as may be necessary Such enquiries shall be made as fully as may be practicable, in the manner provided. Pending that completion of enquiry, if the magistrate thinks that immediate measures are necessary for keeping the peace, he may detain him until bond is executed. Even during enquiry when they try to find out the truth against a person whose offence for breach of peace is enquired into, the magistrate can order detention of the person. How is this to be done? Are we not having our democratic rights? An enquiry is going on against me. The police has given a report against me. On the basis of the police report he wants to detain me in custody. He will send another report saying the man has become violent and should be put in jail pending enquiry. I will not be given opportunity to appear before the enquiry which magistrate has taken up. I will not be able to defend myself. I will be detained in custody. Is this democracy? What sort of democracy is this? I oppose this provision totally, of retaining a person in custody while enquiry is going on. Lines 11 to 28 should be omitted from this provision.

श्री मधु लिमये : अध्यक्ष महोदय, यह इस क्रिमिनल प्रोसीजर कोड की एक महत्वपूर्ण धारा है और यदि जोरदार जी का सुझाव मंत्री महोदय मानने के लिये तैयार नही हैं तो कम से कम मेरे जो दो संशोधन है उनको तो मान लें। उसका कारण मैं बताता हूं। अपने संशोधन के द्वारा मैंने कोई नई चीज इनसे नही मांगी है। टाइपोग्राफिकल एरर है उसको दुरुस्त किया जाय।

"Provided further that no such order shall be made unless at least one witness has first been examined and allowed to be examined by the Magistrate concerned."

फास शब्द उड़ गया है। इसका कारण यह है कि 1970 मे जब मुझे बनारस मे गिरफ्तार किया गया था तो मामला मैं सुप्रीम कोर्ट मे ले गया था। उसमें सुप्रीम कोर्ट के दो डेसीजस हुये। स्पेशल बेच ने पुराने सेक्शन 117 (3) की व्याख्या की—पेंडिंग कम्लीशन आफ एन्क्वायरी और उसमे उन्होने साफ कहा है कि जब तक कि जांच शुरू नही होती है तब तक 117 (3) यानी अब नयी धारा 116(3) का इस्तेमाल नही कर सकते हैं। लेकिन उसके बाद भी यह इस्तेमाल होता रहा है। सुप्रीम कोर्ट के जो डेसीजस हुये हैं, उनके भी कुछ हिस्से मैं पढ़ कर सुनाता हूं। यह जो मैरिट्स पर केस था मधु लिमये बर्सेस स्टेट आफ यू०पी० उसमे से मैं उद्धरण दे रहा हूं :—

"It appears, therefore, that the magistrate used the powers under Section 117(3) without commencing to enquiry into the truth of the information. No sworn statement of any kind was obtained by him and he adjourned the cases for the examination of the petitioners without summoning the witness in support of the information. He, however, asked the petitioners to furnish an interim bond or go to jail."

"It appears to us that the powers of the magistrate to ask for an interim bond were not properly exercised in this case and consequently, the order to the petitioners to furnish interim bond could not be made. That stage had not been reached under the scheme of the Code of Criminal Procedure. The magistrate could only ask for an interim bond if he could not complete the enquiry and "during the completition of the enquiry" postulates the commencement of the inquiry, which means commencement of a trial according to the summons procedure. It was not given to the magistrate to postpone the cases and hear nobody and yet ask the petitioners to

[Shri Madhu Limaye]

furnish a bond for good conduct. The magistrate should have made at least some effort to get a statement from Brij Mohan or Ved Murti Bhatt or any of the witnesses named in the challan. Nothing of this kind was done. Therefore, the proceedings for asking for an interim bond were completely illegal."

"It is quite clear that the magistrate was too much in hurry. He did not read the law to inform himself about what he was to do. Having the petitioners before him and having read to them the order under Section 112 it was his duty either to release them unconditionally or to ask them to give an interim bond for good conduct but only after he has started enquiring into the truth of the information. It was for this reason that we held that the magistrate did not act according to the law and his action after August 9, 1970 in detaining the petitioners in custody was illegal. As the petitioners had already become free by reason of the remand having expired, we declared them to be free."

इसलिये मैं इनमें इतनी ही मांग कर रहा हूं कि यह प्रोविजो वह जोड़ें ।

"Provided further that no such order shall be made unless at least one witness has first been examined and allowed to be examined by the Magistrate concerned."

और दूसरा मेरा सुझाव यह है कि अगर यह आपातकालीन धारा है तो 6 महीने की मियाद क्यों जरूरी है ? 6 महीने को घटा कर 3 महीने कर दीजिये । इसमें तो कोई ऐसी बात नहीं है । यह तो सुप्रीम कोर्ट का निर्णय है यह कोई बहुत क्रान्तिकारी और प्रगतिशील निर्णय था ऐसी कोई बात नहीं है, उसको कम से कम संरक्षण दे दें क्योंकि मेरे मामले में निर्णय के बाद भी सैकड़ों ऐसे केसेज उत्तर प्रदेश में और बिहार में मैंने देखे हैं जिसमें 117(3) की जो परिभाषा सुप्रीम कोर्ट ने की है उस पर अमल नहीं हो रहा है और 112 के बाद तुरन्त सुना देते हैं और इंटेरिम आर्डर्स जारी हो जाते है । तो इतना तो वे मान लें । हम लोगों के आबजेक्शन के बाद उन्होंने स्वीकार किया था कि इस पर वह सोचेंगे ।

SHRI RAM NIWAS MIRDHA: Well, Sir, after the Supreme Court judgment in Shri Madhu Limaye's case, even now the position is that orders of detention cannot be issued without commencing an inquiry. But in view of the difficulty mentioned by Shri Madhu Limaye and out of a desire to clarify the matter still further, I am inclined to agree to the amendment of Shri Shambu Nath which is the same as this.

The present wording is 'Pending the completion of the enquiry under sub-section (1)'. In place of 'Pending' what we are now saying is 'After the commencement and before the completion of the enquiry' which means that he cannot issue an order without starting an enquiry. He has to start an enquiry, and starting an enquiry would mean much more than examining one witness or cross-examining him; the magistrate has to commence it. So, in the spirit of the amendment moved by the hon. Member opposite, I am accepting this amendment.

श्री मधु लिमये : क्यों, क्यों ? उसमें क्या दिक्कत है ? क्या ऐसे ही बिना एन्क्वायरी के 6 महीने रख देंगे । तीन महीने मान लीजिये—आपकी बात भी हमने मान ली है ।

SHRI DINESH JOARDER: At least for one witness being examined, why should he not provide? The change made is also absolutely vague.

SHRI RAM NIWAS MIRDHA: The term 'enquiry' is a well known concept.

SHRI DINESH JOARDER: There is no difference between this amendment and the original provision. Therefore, he should accept at least the amendment moved by Shri Limaye.

SHRI RAM NIWAS MIRDHA: We have examined the matter and consulted our legal experts and they say that this amendment reflects more than clearly intention of Shri Madhu Limaye and Shri Dinesh Joarder.

SHRI DASARATHA DEB (Tripura East): Legal experts are only legal experts. They have never suffered in life. That is why they are living in this paradise.

SHRI RAM NIWAS MIRDHA: As regards the period being changed from six months to three months also, I am unable to accept the amendment.

MR. DEPUTY-SPEAKER: So, he is accepting the amendment of Shri Shambu Nath?

SHRI RAM NIWAS MIRDHA: Yes. I am accepting amendment No. 119.

MR. DEPUTY-SPEAKER: The question is:

Page 36, line 11, *for* "Pending" *substitute*
"After the commencement and before" (119)

The motion was adopted.

SHRI MADHU LIMAYE: I would like amendment No. 197 to be put separately. I want division on it.

MR. DEPUTY-SPEAKER: I think I might as well say this that at 5.30 p.m. the hon. Minister of Finance will make a statement on the Third Pay Commission's Report

The question is:

Page 36, line 43, *for* "six months" *substitute* "three months". (197)

The Lok Sabha divided:

Division No. 8 **17.16 hrs.**

AYES

Bade, Shri R. V.
Banera, Shri Hamendra Singh
Bharigrath Bhanwar, Shri
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Chandrappan, Shri C. K.
Chaudhary, Shri Ishwar
Dandavate, Prof. Madhu
Deb, Shri Dasarath
Dutta, Shri Biren
Haldar, Shri Madhuryya
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Kachwai, Shri Hukam Chand
Koya, Shri C. H. Mohamed
Limaye, Shri Madhu
Mavalankar, Shri P. G.
Modak, Shri Bijoy
Mohammad Ismail, Shri
Mukherjee, Shri Samar
Pandey, Shri Sarjoo
Pandéya, Dr. Laxminarain
Patel, Shri H M.
Pradhan, Shri Dhan Singh
Rao, Shri M. Satyanarayan
Reddy, Shri B. N.
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sen, Dr. Ranen
Singh, Shri D. N.
Verma, Shri Phool Chand

NOES

Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Awdesh Chandra Singh, Shri
Bajpai, Shri Vidya Dhar
Banamali Babu, Shri
Barman, Shri R. N.
Besra, Shri S. C.

Bhattacharyyia, Shri Chapalendu
Bist, Shri Narendra Singh
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrika Prasad, Shri
Chaudhary, Shri Nitiraj Singh
Chikkalingaiah, Shri K.
Choudhury, Shri Moinul Haque
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Desai, Shri D. D.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gautam, Shri C. D.
Gomango, Shri Giridhar
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hari Kishore Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jaffer Sharief, Shri C. K.
Jamilurrahman, Shri Md.
Jha, Shri Chiranjib
Joshi, Shrimati Subhadra
Kadam, Shri J. G.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Kotoki, Shri Liladhar
Krishnan, Shri G. Y.
Kushok Bakula, Shri
Lakkappa, Shri K.
Laskar, Shri Nihar
Mahajan, Shri Vikram
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Maurya, Shri B. P.
Mishra, Shri G. S.
Mishra, Shri Jagannath
Mohsin, Shri F. H.
Murthy, Shri B. S.
Naik, Shri B. V.
Negi, Shri Pratap Singh
Oraon, Shri Kartik
Painuli, Shri Paripoornanand
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Parashar, Prof. Narain Chand
Pratap Singh, Shri
Patil, Shri Krishnarao
Patil, Shri T A.
Raghu Ramaiah, Shri K.
Ram Sewak, Ch.
Ram Swarup, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri M. S Sanjeevi
Reddi, Shri M. Ram Gopal
Reddy, Shri P. Narasimha
Richhariya, Dr. Govind Das
Roy, Shri Bishwanath
Saini, Shri Mulki Raj
Sayeed, Shri P. M.
Shambhu Nath, Shri
Shankaranand, Shri B.
Shenoy, Shri P. R.
Shukla, Shri B. R.
Stephen, Shri C. M.
Sudarsanam, Shri M.
Suryanarayana, Shri K.
Swaran Singh, Shri
Tewari, Shri Shankar
Tiwari, Shri Chandra Bhal Mani
Tula Ram, Shri
Unnikrishnan, Shri K. P.
Venkatasubbaiah, Shri P.
Venkataswamy, Shri G.
Verma, Shri Ramsingh Bhai
Verma, Shri Sukhdeo Prasad
Virbhadra Singh, Shri
Yadav, Shri Karan Singh
Yadav, Shri R. P.

MR. DEPUTY-SPEAKER: The result of the division is:

Ayes—31; Noes—92.

The motion was negatived.

MR DEPUTY-SPEAKER I shall now put the rest of the amendments to the vote of the House

Amendments Nos 169, 170 and 196 were put and negatived

MR DEPUTY-SPEAKER The question is

"That clause 116, as amended, stand part of the Bill"

The motion was adopted

Clause 116, as amended was added to the Bill

Clause 117—(*Orders to give Security*)

SHRI DINESH JOARDER I move

Page 36, line 50, *omit* "Keeping the peace or" (171)

Page 36, line 50, *omit* ", as the case may be," (172)

Clause 117 deals with the order to give security It reads

"If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour as the case may be that the person in respect of whom the inquiry is made should execute a bond, "

Here I object to the wording 'keeping the peace" Generally, this is applied against the trade union workers, the poor peasants and the political workers These provisions are very often applied to these categories of people of our country For maintaining good behaviour", as in clause 110, in respect of the hoarders and adulterators and profiteers they may be asked to give bond for maintaining good behaviour it may be accepted in such a case For that reason I have not asked to omit maintaining good behaviour' That may be retained But keeping the peace' and "as the case may be" wherever these words appear here should be omitted Unless this is done the authorities would not allow the opposition, or the politically opposed parties and also the trade union and peasant movements to organise themselves and hold demonstrations or processions to achieve their demands "Keeping the peace will go against them I therefore want the words "keeping the peace' to be omitted

SHRI RAM NIWAS MIRDHA I do not accept these amendments

MR DEPUTY-SPEAKER I shall now put amendments Nos 171 and 172 to the vote of the House

Amendments Nos 171 and 172 were put and negatived

MR DEPUTY-SPEAKER The question is

"That Clause 117 stand part of the Bill"

The motion was adopted

Clause 117 was added to the Bill

Clause 118—(*Discharge of person informed against*)

SHRI DINESH JOARDER I move my two amendments Nos 173 and 174 to clause 118

"Page 37, line 12,—

Omit "keeping the peace or" (173)

"Page 37, lines 12 and 13,—

Omit ", as the case may be," (174)

MR DEPUTY-SPEAKER I shall now put amendments 173 and 174 to clause 118 to the vote of the House

Amendments Nos 173 and 174 were put and negatived

MR DEPUTY-SPEAKER The question is

That Clause 118 stand part of the Bill"

The motion was adopted

Clause 118 was added to the Bill

Clause 119 was added to the Bill

Clause 120— (*Contents of bond*)

SHRI DINESH JOARDER I have got two amendments, 175 and 176 to clause 120 of the Bill There should be no bond to be executed by any person and I want these words should be omitted I move.

[Shri Dinesh Joarder]

Page 37, lines 25 and 26,—

Omit "to keep the peace or" (175).

Page 37, line 26,—

Omit ", as the case may be," (176).

MR. DEPUTY-SPEAKER: I shall now put amendments 175 and 176 to the vote of the House.

Amendments Nos. 175 and 176 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 120 stand part of the Bill".

The motion was adopted.

Clause 120 was added to the Bill.

Clause 121 was added to the Bill.

Clause 122—(*Imprisonment in default of security*).

MR. DEPUTY-SPEAKER: We take up clause 122 of the Bill. There are two amendments, 120 and 121.

SHRI RAM NIWAS MIRDHA: I accept these amendments. They are consequential amendments.

Amendments made:

Page 38, line 1,—

for "(1)" *substitute* "(1) (a)" (120).

Page 38,—

after line 7, *insert*—

"(b) If any person after having executed a bond without sureties for keeping the peace in pursuance of an order of a Magistrate under section 117, is proved, to the satisfaction of such Magistrate or his successor in office, to have committed breach of the bond, such Magistrate or successor in office may, after recording the grounds of such proof, order that the person be arrested and detained in prison until the expiry of the period of the bond and such order shall be without prejudice to any other punishment or forfeiture to which the said person may be lible in accordance with law." (121).

(*Shri Shambhu Nath*)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 122, as amended, stand part of the Bill".

The motion was adopted.

Clause 122, as amended, was added to the Bill.

Clauses 123 and 124 were added to the Bill.

Clause 125—(*Orders for maintenance of wives, children and parents*).

MR. DEPUTY-SPEAKER: We now take up clause 125.

SHRI RAM NIWAS MIRDHA: I have two amendments Nos. 25 and 26. I move:

"Page 40, line 28,—

after "child" *add* "if married" (25).

"Page 40, line 29,—

for "sub-section" *substitute* "Chapter" (26).

SHRI EBRAHIM SULAIMAN SAIT: I have an amendment to this clause which seeks to delete the explanation.

MR. DEPUTY-SPEAKER: Your amendment is not before me. May be, it is time barred.

Mr. Sait if your amendment is just to delete something which means it is only to have a negative effect, that is barred by the rules. That kind of amendment cannot be accepted. You have already spoken.

SHRI EBRAHIM SULAIMAN SAIT: Mr. Koya also wants to speak on it.

MR. DEPUTY-SPEAKER: First I will put the Government amendments to vote.

The question is:

Page 40, line 28, *after* "child" *add* "if married" (25).

Page 40, line 29, *for* "sub-section" *substitute* "Chapter" (26).

The motion was adopted.

SHRI C. H. MOHAMMED KOYA: (Manjeri): As Mr. Sulaiman Sait pointed out, this 'Explanation' is against the Muslim personal law. It says,

"wife includes a woman who has been divorced by or has obtained a divorce from, her husband and has not remarried."

This is against the Muslim personal law. Mr. Mirdha merely said that it is not against the Muslim personal law. He did not explain why it is not against the Muslim personal law. Apart from personal law, even from the common sense point of view, why should I maintain my wife even after I divorce her? After divorce, she ceases to be my wife. It is not my duty to find a husband for her again.

SHRI EBRAHIM SULAIMAN SAIT: The Muslim personal law is based on the Koran, Hadis, the sayings of Prophet. What Mr. Mirdha said that it does not affect the Muslim personal law is wrong. It does affect the Muslim personal law. I would like this clause to be held over, so that we can discuss this matter with the religious heads and advocates. The Prime Minister herself gave us a clear assurance the other day that Muslim personal law would not be interfered with. At least, she should intervene in the matter and see that her assurances are honoured.

MR. DEPUTY-SPEAKER: You can oppose the acceptance of this clause. I will put it to the House. The question is:

"That clause 125, as amended, stand part of the Bill."

The motion was adopted.

Clause 125, *as amended, was added to the Bill.*

Clause 126—(*Procedure*)

Amendments made:

Page 41, line 33,—

(i) *for* "whether", *substitute* "where",

(ii) *for* "raised" *substitute* "resided" (27).

Page 41, line 36,
for "husband, father, mother or child as the case may be," *substitute* "person against whom an order for payment of maintenance is proposed to be made" (28).

Page 41, line 39,
for "husband, father, mother or child" *substitute* "person against whom an order for payment of maintenance is proposed to be made". (29)

(*Shri Ram Niwas Mirdha*)

MR. DEPUTY-SPEAKER: The question is:

"That clause 126 as amended, stand part of the Bill."

The motion was adopted.

[Mr. Deputy Speaker]

Clause 126, *as amended, was adopted to the Bill.*

Clauses 127 *and* 128 *were added to the Bill.*

MR. DEPUTY-SPEAKER: I think we shall interrupt the proceedings on this Bill for a little while and hear the Finance Minister on the Report of the Third Pay Commission.

17.30 hrs.

STATEMENT RE: DECISION OF GOVERNMENT ON REPORT OF THIRD CENTRAL PAY COMMISSION

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): With your permission, Sir, I rise to make a statement on the Report of the Third Central Pay Commission.

As the House is aware, the Third Central Pay Comission, which was set up in April, 1970, submitted its final report to the Government on 31st March, 1973, which has already been laid on the Table of the House. During the course of its deliberations, the Commission submitted three interim reports in September 1970, November, 1971 and September, 1972, recommending payment of interim relief to employees in the specified pay ranges. These recommendations were accepted by the Government involving an expenditure of about Rs 175 crores.

The Commission has itself estimated that the additional expenditure for implementing its recommendations, apart from the expenditure on interim relief of about Rs. 175 crores per annum, would be of the order of Rs 145 crores per annum which would increase further in subsequent years due to normal increases both in pay scales and pensionary benefits. This amount is exclusive of the expenditure which might be incurred in implementing the recommendations relating to improvement suggested by the Commission in respect of a few allowances and facilities and in extending the decisions of Government on pay scale etc. to the employees of these autonomous bodies which are at present governed by the rules aplicable to Central Government employees. If all this is taken into account, the total additional expenditure per annum is expected to be more than Rs 150 crores, and about Rs. 800/900 crores for the 5-Year Plan perid.

This House had an apportunity recently to discuss the report. The representatives of Staff side made a number of suggestions when they met the Group of Ministers on the 6th July, 1973. The Group of Ministers met them again today. Since the receipt of the Report, the representatives of Class III and IV employees have been demanding that Government should take decisions on the recommendations of the Commission after discussions with the Staff side of the Joint Consultative Machinery. This request has been considered in the light of the provisions of the JCM Scheme. The interpretation of clause 20(ii) of the Scheme is that if once any particular recommendation of the Commission is re-opened or Government takes a decision even more favourable than the recommendations of the Commission, then such an issue would become referable to arbitration in the event of disagreement The Staff side representatives, while taking note of this difficulty, have agreed that the Staff side will not insist on arbitration, if Government modifies certain recommendations in a manner more beneficial to the employees. Welcoming this positive response from the Staff side, Government has decided that such discussions should take place with the representatives of the Staff side on the points raised by them in their first meeting with the Group of Ministers before Government takes decision on the Report of the Pay Commission. Government has also accepted their suggestion that four major issues relating to minimum wage, pay fixation formula, the dearness allowance formula and date giving effect to the recommendations relating to pay and pensions should be discussed first. Government is very anxious that these dis-

cussion should start immediately and concluded without avoidable delay. We highly appreciate the spirit of understanding and cooperation shown by the representatives of the Staff side in their discussions with us on this important matter. We hope that the same spirit will prevail in future as well

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17.35 hrs.

CODE OF CRIMINAL PROCEDURE BILL—*contd.*

[SHRI S. A. KADER *in the Chair*]

Clause 129—(*Dispersal of assembly by use of civil force*).

SHRI DINESH JOARDER: I beg to move:

Page 42, lines 38 to 40,—

omit "or officer in charge of a police station or, in the absence of such officer incharge, any police officer, not below the rank of a sub-inspector." (177)

Page 43, line 1,—

omit "or police officer referred to in sub-section (1)," (178)

This comes under the Chapter "Maintenance of Public Order and Tranquillity". Here, it is stated:

"(1) Any Executive Magistrate or officer incharge of a police station or, in the absence of such officer incharge, any police officer, not below the rank of a sub-inspector, may command any unlawful assembly, or any assembly or of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly."

I have put an objection to sub-clause (1) and also to sub-clause (2). What we see is that in the name of dispersing any unlawful assembly, these provisions are applied very often.

Suppose some procession of hungry millions comes in front of the Parliament House or in front of the Governor's house or somewhere else just to demonstrate their demands that they are without any food and they are hungry. Even in that case, such assemblies are declared unlawful assemblies, not to speak of trade union movements or peasant movements which I am referring to in the context of other provisions of the Bill.

In the case of such assemblies which do not go in favour of the party in power, the police officer becomes very prompt in taking action in dispersing such assemblies Very often, they use these sort of provisions to term such assemblies as unlawful assemblies and order dispersal of assemblies.

The powers have been given to police officers also. Generally, what police officers also. Generally, what or at the time of unusual circumstances prevailing in any part of the country or in any part of the city, the Magistrates do move with the police force or with the armed force from one place to another to assess the situation prevailing at that time. So, the Magistrates do move with the police force when the occasion arises. In that case, why do you empower the police officers with these sort of powers to disperse unlawful assemblies?

Sometimes, the police officers who do not possess that much of patience or that much of sobriety or that much of respectability, to the political leaders of trade union movements or peasant movements become so much irresponsible at times. Why do you empower these police officers with such powers to disperse such assemblies which have a legitimate ground

[Shri Dinesh Joarder]

to demonstrate their demands. Very often, they declare a lawful assembly as an unlawful assembly and use this power to disperse it.

So, I have moved the amendment to omit the words "or officer in charge of a police station or, in the absence of such officer in charge, any police officer, not below the rank of a sub-inspector." I would request the Minister to accept it and to omit these words from the clause.

SHRI RAM NIWAS MIRDHA: Normally, if the Magistrate is there, he will issue orders regarding dispersal of an unlawful assembly, but circumstances do arise when the Magistrate is not available, and in such circumstances when an unlawful assembly, bent upon doing mischief, is there, I think some provision must be made....

SHRI DINESH JOARDER: Because of non-availability of administrative people, because the Magistrate will not be available, you want to deprive people of their democratic rights? Is this the ground?

SHRI RAM NIWAS MIRDHA: A democratic protest carried on in a peaceful manner would not come within the definition of 'Unlawful assembly'. 'Unlawful assembly' is one which is bent on creating some unlawful acts or violence. People who want to carry on a democratic protest in a peaceful manner have nothing to fear by this provision. It is intended for those people who form themselves into an unlawful assembly and do violent acts.

Sir, I find it difficult to accept those amendments.

MR. CHAIRMAN: I shall now put amendments 177 and 178 to Clause 129 to the vote of the House.

Amendments Nos. 177 and 178 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 129 stand part of the Bill."

The motion was adopted.

Clause 129 was added to the Bill.

Clauses 130 and 131 were added to the Bill.

Clause 132—*(Protection against prosecution for acts done under preceding sections).*

SHRI DINESH JOARDER: I beg to move:

Page 43,—
omit lines 33 to 45. (179)

Page 44,—

omit lines 1 to 3. (180)

Page 44, line 4,—

(i) *omit* "(3)"

(ii) *omit* "this section and in". (181)

In the Bill, under clause 132, it is stated:

"No prosecution against any person for any act purporting to be done under section 129, section 130 or section 131 shall be instituted in any Criminal Court except—

(a) with the sanction of the Central Government where such person is an officer or member of the armed forces;

(b) with the sanction of the State Goverment in any other case."

What does this mean? If any excess is done or if any unlawful torture is made to any of the persons, in the name of dispersing the unlawful assembly, you want to give them protection. Already you have the power to use the members of Armed Forces to disperse assemblies even by using force. All these things are provided in sections 129, 130 and 131. You will not allow democratic rights to the people. You would not allow the labourers, peasants and political workers to organize their processions and demonstrations. Very often you will declare them as 'unlawful assemblies' and you will use Armed Forces to disperse these assemblies. And what is more peculiar is this. Applying all such provisions, you will give no protection to the general people against the excesses made by

such members of Armed Forces and officials and police forces and you want to protect the members of Armed Forces and police forces from unlawful activities committed by them. The general people, the free citizens, are discriminated against. You want to immune those police officers and Member of Armed Forces from the crimes and unlawful activities that they may commit at the time of dispersing unlawful assemblies. No protection should be given to them when they use force. Usually they go in excess of their powers and in excess of what the situation warrants. So, I want that this provision should be amended accordingly and no protection should be given to the Police Officers or the Army officers or any Government officers when they use in excess the power which they have. I want my amendment to be accepted.

SHRI RAM NIWAS MIRDHA: This is a provision to give protection to the Police or the Armed forces who act in good faith. If this protection were not available to them, they would hesitate to take action that is necessary under the law and this provision applies only when the act has been performed in good faith and in accordance with the legal provisions. Any excess of the type mentioned by the hon. Member would not be covered by this. So, I cannot accept the amendments.

MR. CHAIRMAN: Now, I will put Mr. Joarder's amendments to the vote of the House.

Now, the question is:

"Page 43.—

"*omit* lines 33 to 45." (179).

The Lok Sabha Divided:

Division No. 9] [17.51 hrs.

AYES

Bade, Shri R. V.
Banera, Shri Hamendra Singh
Bhagirath Bhanwar, Shri
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.
Chandrappan, Shri C. K.
Chaudhary, Shri Ishwar
Dandavate, Prof. Madhu
Deb, Shri Dasaratha
Dutta, Shri Biren
Hazra, Shri Manoranjan
Joarder, Shri Dinesn
Limaye, Shri Madhu
Mavalankar, Shri P. G.
Mohammad Ismail, Shri
Pandeya, Dr. Laxminarain
Reddy, Shri B. N.
Saha, Shri Gadahar
Singh, Shri D. N.
Vajpayee, Shri Atal Bihari
Verma, Shri Phool Chand

NOES

Bajpai, Shri Vidya Dhar
Banamali Babu, Shri
Barman, Shri R. N.
Basumatari, Shri D.
Besra, Shri S. C.
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bist, Shri Narendra Singh
Chandra Gowda, Shri D. B.
Chaturvedi, Shri Rohan Lal
Chikkalingaiah, Shri K.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dhamankar, Shri
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gomango, Shri Giridhar
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hari Kishore Singh, Shri
Ishaque, Shri A. K. M.
Jaffer Sharief, Shri C. K.
Jamilurrahman, Shri Md.
Jha, Shri Chiranjib
Kadam, Shri J. G.
Kailas, Dr.
Kamla Kumari, Kumari
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G. Y.
Kushok Bakula, Shri
Lakkappa, Shri K.
Laskar, Shri Nihar

Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Maurya, Shri B. P.
Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Mohsin, Shri F. H.
Naik, Shri B. V.
Painuli, Shri Paripoornanand
Pandey, Shri Krishan Chandra
Parashar, Prof. Narain Chand
Patil, Shri T. A.
Raghu Ramaiah, Shri K.
Rajdeo Singh, Shri
Ram Swarup, Shri
Rana, Shri M. B.
Rao, Shri M. S. Sanjeevi
Rao, Shri Nageswara
Reddy, Shri M Ram Gopal
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Samanta, Shri S. C.
Shailam, Shri Chandra
Shambhu Nath, Shri
Sharma, Shri A. P.
Sharma, Shri Nawal Kishore
Shenoy, Shri P. R
Shivnath Singh, Shri
Shukla, Shri B. R.
Stephen, Shri C. M.
Suryanarayana, Shri K.
Tula Ram, Shri
Unmkrishnan, Shri K. P.
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Sukhdeo Prasad
Yadav, Shri Karan Singh
Yadav, Shri R. P.

MR. CHAIRMAN: The result* of the division is: Ayes—22; Noes—77.

The motion was negatived.

MR. CHAIRMAN: Now I put amendments Nos. 180 and 181 to the Vote of the House.

Amendments Nos. 180 &181 were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 132 stand part of the Bill."

The motion was adopted.

Clause 132 was added to the Bill.

MR. CHAIRMAN: I am told that by 6 O'clock we have to finish this Bill. It was agreed yesterday.

SHRI DINEN BHATTACHARYYA (Serampore): If you take it in that way we are totally against you. We want to put amendments to all the Clauses

MR. CHAIRMAN: You do put amendments, if necessary. Please be brief. That is all I say.

SHRI MADHU LIMAYE: No guillotine on this Bill.

MR. CHAIRMAN: This is what the Deputy Speaker said:

"I think the sense of the House is very clear, that the Bill be taken up this Thursday, that is, day after tomorrow and finished on that day."

SHRI DINEN BHATTACHARYYA: He has expressed his wish. It cannot be compulsion.

MR. CHAIRMAN: No, please. This is not the way.

श्री मधु लिमये : यह सवाल ऐसा है कि उस पर गिलोटिंग नहीं कर सकते हैं । यह पर्सनल लिबर्टी का सवाल है ।

*Shri Bijoy Modak also recorded his Vote for AYES

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I am as much anxious not to cause any inconvenience to Members as anybody else. Let me explain the position. Yesterday when this matter came up I explained that we have to send it to Rajya Sabha and Rajya Sabha has to pass it in this session. Therefore, I was pressing that it should be passed i.e. day before yesterday. But some Opposition Members, I think, said that it should be postponed until Thursday. Then, I made it very clear that I had no objection in postponing it to Thursday provided we sit and pass it on that day. And, therefore, the Deputy-Speaker has endorsed the view. There was no dissentient voice. Tomorrow we have got—according to the Business Advisory Committee to take up Fifth Five Year Plan discussion. There is no option. What are we to do?

I, therefore, request the cooperation of all the hon. Members of the Opposition.

श्री मधु लिमये : जिन्दगी हमारी रहेगी तो फिफ्थ फाइव इयर प्लान आयेगा । यह तो लाइफ और लिबरटी का सवाल है ।

MR. CHAIRMAN: Why are you so pessimistic? The other question is: how long are we going to sit? That we have to decide.

SHRI DINEN BHATTACHARYYA: If the Government is so much anxious to pass this, let them take it up on Monday. Or, if necessary, let them extend the session of the Lok Sabha as they have done it for the Rajya Sabha.

श्री मधु लिमये : राज्य सभा वाले तो बार बार एक्स्टेंशन करते ही रहते हैं ।

SHRI DINEN BHATTACHARYYA: What will the public think about us? We will not do this.

श्री मधु लिमये : एक मेरी विनती सुन लीजिये । इसमें आपने देखा होगा कि मिनिस्टर ने भी कोई ऐसा आबस्ट्रेक्शन का रुख नहीं अपनाया है और आपोजीशन ने भी नहीं अपनाया है । जिन चीजों के बारे में हम बहुत ज्यादा फील करते हैं उन्हीं के बारे में डिवीजन करवा रहे हैं । कई चीजें मिनिस्टर ने मान भी ली हैं । तो आप जल्दबाजी करके इसको खत्म मत करिये ।

सभापति महोदय : सवाल यह है कि उनके पास और कौन सा टाइम है ?

श्री मधु लिमये : फिफ्थ फाइव इयर प्लान अगले सेशन में जायेगा । इन प्राइसेज के चलते इनका सारा प्लान फिनीवस्टर हो गया है ।

श्री अटल बिहारी वाजपेयी (ग्वालियर): अध्यक्ष महोदय, इसमें जल्दबाजी नहीं हो सकती है । आप स्वयं मानेंगे कि बड़ा महत्वपूर्ण विधेयक है । असाधारण अधिकार सरकार प्राप्त करने की कोशिश कर रही है । तो इस पर चर्चा करने का तो कम से कम मौका देना चाहिये । इनके अन्तर्गत हमें जेल में तो बन्द किया ही जायेगा । यह तो हम जानते ही हैं । लेकिन उसके पहले बोलने की तो हमको इजाजत मिलनी ही चाहिये ।

MR. CHAIRMAN: Then, I think we will have to sit as long as we are able to pass this Bill.

SHRI DINEN BHATTACHARYYA: How much more time we may have to sit?

SHRI DINESH JOARDER: Already we have sacrificed our lunch period. Sir, the Criminal Procedure Amendment Bill which you are going to enact cantains as many as more than 500 provisions. If you cannot give us the proper opportunity to discuss the provisions of this important Bill, it is not fair.

SHRI ATAL BIHARI VAJPAYEE: We thought that our amendments would be accepted by the Minister.

SHRI DINEN BHATTACHARYYA: Let them take one more day.

श्री एम० रामगोपाल रेड्डी (निजामाबाद) : आप से अर्ज यह करनी है कि हम लोग 5 सितम्बर, से ज्यादा यहां नही बैठ सकते हैं क्योंकि अभी अभी बहुत अच्छी वर्षा हो रही है और वहा जा कर प्रोडक्शन वगैरह का काम देखना है। इसलिये आज यह बिल पास होना चाहिये। और वाजपेयी जी यह क्यों समझते हैं कि कांग्रेस ही कयामत तक हुकूमत करेगी। अगर किसी वक्त उनके हाथ में हुकूमत आ जाय तो वह इस कानून को हमारे ऊपर लागू कर सकते हैं। तो अपोजीशन को यह क्या हो गया है कि वह समझते है कि हम हमेशा उनके ऊपर हुकूमत करेंगे और उनको हुकूमत में आने का मौका नही मिलेगा।

SHRI K. RAGHU RAMAIAH: I have got one suggestion to make which will be very constructive and it will not be obstructive on your side from tomorrow onwards. The suggestion is that we have no objection to sit. If you all cooperate, we shall just sit for one hour more to-day and then finish as much as we can and we shall finish the rest of it tomorrow from 6 to 7 P.M within one hour provided there is no obstruction from your side again tomorrow. I am agreeing to this.

SHRI DINESH JOARDER: We have been sitting without lunch.

DR. KAILAS (Bombay South): I suggest that instead of sitting late we may sit on Saturday and pass the I.P.C. Bill in this session.

MR. CHAIRMAN: I would like to know how much more time would be required.

Now we are in the second reading.

SHRI DINEN BHATTACHARYYA: Eight hours may be necessary.

MR. CHAIRMAN: I do not think at this stage eight hours are necessary.

SHRI MADHU LIMAYE: Criminal Procedure code Amendment is of fundamental importance to all of us.

MR. CHAIRMAN: I would like you to tell me how much more time we may require for this.

18 hrs.

SHRI DINESH JOARDER: This Bill was allowed, in the last session, 15 hours. One or two speakers had made their speeches out of the 15 hours. At that time it was decided that the Bill might be postponed. Even after that, three or four hours of that day were left, and those three or four hours have been wasted by some speakers for nothing. Shri Raghu Ramajah was catching one speaker after another in the Central Hall and was just bringing them in to the House and asking them to speak. They spoke nonsense and actually no discussion was there on the Bill proper.

श्री अटल बिहारी वाजपेयी : डा० केलाम ने सुझाव दिया है कि हाउस शनिवार को बैठ सकता है।

श्री रामावतार शास्त्री (पटना) : 6 बज चुके हैं, अगर और काम करना है तो कल किया जाय, आज हम लोगों को छुट्टी दी जाय। लंच आवर भी खत्म है, हाफ-एन-आवर भी खत्म है, मेरा निवेदन है कि यह कल हो जायगा। आज जो चाहेंगे वह मात हो जायगा।

सभापति महोदय : आज 7 बजे तक बैठें। ..... (व्यवधान) .....

श्री शम्भुनाथ : विरोधी पार्टियों की तरफ से आवाज आ रही है कि यह बड़ा

इम्पोर्टेंट बिल है—आप सही है । इसको माइन्यूटली एक्जामिन करना चाहिये— यह आप ठीक भी है। ऐसी हालत मे मैं यह रिक्वेस्ट करूंगा कि सैटर्डे को बैठ कर इसको पास कर दे ।

SHRI DINEN BHATTACHARYYA: We have sat already for more than five hours. But you have been in the Chair only for half an hour. The Deputy-Speaker has left and the Speaker had left the Chair long ago. But we have been sitting here continuously.

श्री झंझुनाथ : इसीलिये मैंने सुझाव दिया है कि इसको शनिवार को बैठ कर पास कर दे ।

SHRI DINESH JOARDER: No, we shall not sit on Saturday at all.

MR. CHAIRMAN: We have got two proposals. One is that we may sit for one hour more today and one hour more tomorrow. The other is that we sit on Saturday and finish all stages of this Bill. Of course, the Speaker's orders will have to be taken for Saturday, and if they are forthcoming, then the problem is solved.

SHRI DINEN BHATTACHARYYA: We have not covered even half the number of amendments. So, it will take a long time.

श्री अटल बिहारी वाजपेयी : एक तीसरा सुझाव भी है—वे इस बिल को पास करने मे इसलिये जल्दी कर रहे है कि यह राज्य सभा मे भी जाना है । लेकिन राज्य सभा एक दिन और बैठने का फैसला कर सकती है । इस तरह से सब काम हिसाब से हो सकता है ।

MR. CHAIRMAN: Meanwhile, shall we go on with the clauses? Till the Speaker's order comes, we shall go on with the clauses.

SHRI B. V. NAIK (Kanara): Since the initiation of the discussion of the five year Plan will be tomorrow, there will be a break of two more days, and therefore, along with this Bill, the discussion of the five year Plan which is very important can take place on Saturday.

MR. CHAIRMAN: Anyhow, we shall wait.

Now, there is clause 133. There are two amendments.

Mr. Goswami are you moving—? —No. So they are not moved. I put clause 133 to the vote of the House. The question is:

"That clause 133 stand part of the Bill."

The motion was adopted.

Clause 133 *was added to the Bill.*

Clauses 134 *to* 148 *were added to the Bill.*

SHRI DINESH JOARDER: Sir, what is this half-hearted discussion? We are anxious to know what you decide about the sitting.

MR. CHAIRMAN: When the time comes we will decide.

Clause 144—(*Power to issue order in urgent cases of nuisance or apprehended danger*).

SHRI DINESH JOARDER: I move:

Page 47, line 26,—

after "case" *insert* "and the reasons therefor" (138).

Page 47, lines 30 and 31,—

Omit", obstruction, annoyance or injury to any person lawfully employed or" (236).

Page 47, lines 31 and 32—

Omit "or a disturbance of the public tranquillity, or a riot, or an affray" (237).

Page 47,—

omit lines 33 to 38. (238).

Page 48, lines 9 and 10,—

for "by it under the proviso to sub-section (4)" *substitute* "under this section" (240).

SHRI MADHU LIMAYE: I move:

Page 47, lines 21 and 22,—

omit "a sub-divisional Magistrate or any other Executive Magistrate" (198).

Pages 47, and 48,—

for lines 39 to 44 and 1 to 3 respectively, *substitute*—

"(4) No order under this section shall remain in force for more than seventy-two hours in the first instance:

Provided that the District Magistrate may extend the order for a further period of fifteen days after holding public hearings in the manner prescribed on the necessity or otherwise of extending the order." (199).

Pages 47 and 48,—

omit lines 41 to 44 and 1 to 3 respectively. (200).

Page 48,—

omit lines 8 to 10. (201).

SHRI DINESH JOARDER: Sir, the provisions in clause 144 are very dangerous. Often the provisions of this clause are applied against mass, movements, trade union movements, labour movements and political movements. Very often, some places are declared as places coming under section 144 where no person accompanied by four or more persons is allowed to enter such premises, where orders under section 144 have been applied. (*Interruptions*).

AN HON. MEMBER: Ordinary assembly.

SHRI DINESH JOARDER: You are not allowing persons to come near the Parliament House. Now, I want to read out the clause:

"In cases where, in the opinion of a District Magistrate, a Sub-Divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134 direct any person to abstain from a certain act or to take certain order with respect, to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray."

The objectionable words are: "obstruction, annoyance and disturbance to public tranquility." All these words are objectionable, because generally what you see in the villages, particularly, where there is a dispute over a land when the peasants want to takes possession of waste land or excess land or fallow land and they want to cultivate it or they want to take possession of the land which is being held in excess by the landlords according to the provisions of the land forms Act, the police generally apply section 144 and prevent the peasants from taking possession of the land, and indirectly they appoint a receiver and then give possession to the landlords. Similarly these provisions are also applies to the case of trade union movement. What do these words ob-

struction and annoyance mean? If the workers of a factory or an industry want to realise some demands and demonstrate in front of the factory, the employer may say that he is obstructed by such assembly of such workers. When the provisions of section 144 are applied and they are declared to be unlawful assembly, they are asked to disperse. The police use force. The Army officers will be employed to disperse the assembly on behalf of the employer, and the police will create a riot and then innocent workers will be victimised So, this is very objectionable provision which we see in practice every day. These provisions are applied to crush and crub the land movement, the trade union movement and the political movement and very often in Calcutta from times immemorial the provisions of 144 are being applied to barricade the Writers Building and the Governor's palace. No person is allowed to proceed towards the Governor. Even hungry marchers are not allowed to give a representation in the hands of the Governor or submit a note saying that they are not getting food and they are not being provided shelter. All these things are debared and so I want these words, obstruction, annoyance, disturbance of public tranquillity etc. should be deleted from this provision. If not the entire clause, atleast these words should be deleted from this Bill and that is why I have moved my amendments.

I also want that the proviso to this section should be omitted. Proviso reads as follows:

"Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safty or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification."

Generally these orders cannot exist after the expiry of two months. In this proviso power is given, so that this order can be extended upto six months. So this proviso should be omitted and that is why I have moved my amendment.

श्री मधु लिमये . अध्यक्ष महोदय, क्रिमिनल प्रोसीजर कोड की यह जो धारा है वह व्यक्ति स्वतन्त्रता पर कुठाराघात करती है और इसलिये इसमे बुनियादी परिवर्तन की आवश्यकता है। मुझे इस बात पर अफसोस है कि मत्री महोदय ने इसके बारे मे जो सुझाव हम लोगो के द्वारा दिये गये है उनके ऊपर सहानुभूतिपूर्वक विचार नही किया है। अब यह दफा 44 क्या चीज है इसको हम पहले समझ ले। इसके बारे मे स्वय सुप्रीम कोर्ट ने कहा है कि साधारण स्थिति मे लागू करने के लिए यह दफा नही है, आपत्कालीन स्थिति मे, सकटकालीन स्थिति मे ही इसका इस्तेमाल होना चाहिए लेकिन अगर मंत्री महोदय से आप बयान दिलवायगे कि दफा 44 कितने जिलो मे, कितने शहरो मे, कितने सूबो मे लागू की गई है तो आपको पता चलेगा कि देश के बहुत बड़े हिस्से मे सारी व्यक्तिगत आजादी समाप्त हो चुकी है। सुप्रीम कोर्ट कहती है .

"The list of action under Section 144 is the urgency of the situation and its efficacy in its being able to prevent some harmful occurrence. As it is possible to act absolutely and even exparte it is obvious that the emergency must be sudden and the consequences sufficiently grave. Without it the exercise of power would have no justification."
(AIR 1971, P. 2488)

यह तो सुप्रीम कोर्ट ने कहा है लेकिन वास्तव में बिना सोचे समझे, विवेकहीन ढंग मे दफा 44 की तहत आर्डर जारी किये जा रहे है। मेरा पहला विरोध यह है कि

[श्री मधु लिमये]

आपने इसमे सभी मजिस्ट्रेटो को अधिकार दे रखा है, मेरी राय में डिस्ट्रिक्ट मजिस्ट्रेट के अलावा और किसी मजिस्ट्रेट को—सब डिवीजनल मजिस्ट्रेट या दूसरे फर्स्ट क्लास मजिस्ट्रट को—यह अधिकार नही देना चाहिए। अगर डिस्ट्रिक्ट मजिस्ट्रेट तक ही यह अधिकार सीमित रखा जायेगा तो कम से कम वह सोचेगा और कुछ न कुछ सरक्षण लोगो को मिल जायेगा लेकिन सभी मजिस्ट्रेटो को यदि यह अधिकार मिल जायेगा तो मनमाने ढग से उसका इस्तेमाल होगा।

मेरा दूसरा आक्षेप यह है कि दो महीने के लिए एब्सोल्यूट आर्डर जारी करने का अधिकार इसमे मजिस्ट्रेट को दिया गया है। किसी भी प्रगतिशील लोकतन्त्रवादी देश मे इस तरह का प्रायर रेस्ट्रेंट स्वीकार्य नही जाता है। अमरीका मे जब सिविल राइट्स के सम्बध मे नीग्रो का आन्दोलन शुरू हुआ तो अमरीका के सुप्रीम कोर्ट ने कई फैसले दिए हैं जिनमे प्रायर रेस्ट्रेन्ट की बुराई की है। इसलिये मैंने सुझाव दिया है कि पहले अगर हुक्म जारी करना है तो 72 घटो के लिए हो—यह भी जो हम लोगो के बीच म बातचीत हुई उसके बाद म इसके लिए मैं तैयार हो गया—तो 72 घटो के लिए अन्तरिम आर्डर वह जारी करे और अगर 72 घटो के अन्दर काबू मे परिस्थिति नही आती है तो वह एब्सोल्यूट आर्डर 15 दिनो के लिए जारी करे बशर्ते कि 72 घटो मे वह पब्लिक हियरिंग्ज करे। सार्वजनिक और खुली चर्चा मे, पब्लिक हियरिंग्ज मे यदि साबित होगा कि इस तरह के आर्डर की जरूरत है, यह पब्लिक हियरिंग्ज की जो बात है उसको मान लीजिये। अगर कोई साम्प्रदायिक दंगा हुआ तो क्या आप समझते है केवल पुलिस मैथड से वह दगा काबू मे आयेगा? जब पूना म दगा हुआ तो सभी सार्वजनिक कार्यकर्ताओ और सभी दलो के प्रतिनिधियो को बुलाया गया और सभी ने मिलकर, साम्प्रदायिक दगेका कैसे मुकाबला किया जाये, इसका निर्णय किया। तो इसलिये केवल पुलिस मैथड से इस तरह के जो दगे फसाद होते है उन पर आप काबू नही पायेगे। मेरा सुझाव है कि 72 घटे का अन्तरिम आर्डर जारी करने का अधिकार डिस्ट्रिक्ट मजिस्ट्रेट को दिया जाये, उसके बाद सार्वजनिक हियरिंग्ज हो और उन हियरिंग्ज के बाद यदि डिस्ट्रिक्ट मजिस्ट्रे उचित समझे तो 15 दिन तक के लिए इस आर्डर को जारी रखे इस मे और बात है। यह आर्डर सिर्फ विशिष्टि व्यक्ति के ऊपर नही है, यह तो साधारण जनता के ऊपर भी जारी किया जाता है। इसके बारे मे भी सुप्रीम कोर्ट ने कहा है

"Ordinarily, the order will be directed against a person found acting or likely to act in a particular way But a general order may be necessary when the number of persons is so large that distinction between them and the general public cannot be made without the rest mentioned in the section A general order is thus justified but if the order is too general, the order may be questioned by appropriate remedies for which there is ample provision in the law"

144 के आर्डर जितने है उनको आप देखें कि उनमे जनरल आर्डर कितने है। 99 परसेट जनरल आर्डर हैं जब कि सुप्रीम कोर्ट कहती है कि साधारणत, आर्डिनरिली जनरल आर्डर्ज नही होने चाहियें। उसी तरह से एक्स आर्टी आर्डर्ज की बात है। बिना सुने उनको जारी कर दिया जाता है। दो महीने के लिए इस तरह से आर्डर जारी किया जाएगा? इसलिए मैंने कहा है कि 72 घटे के लिए आर्डर रहे। बाद मे उन लोगो को आप हियरिंग का मौका दें। आज भी उसका मौका है। लेकिन मजिस्ट्रेट के ऊपर

यह जिम्मेदारी डाली जाए कि वह सार्वजनिक कार्यकर्ताओं की राय ले ।

आगे चल कर राज्य सरकारो को यह अधिकार दिया गया हैं कि दो महीने तक आर्डर को बढ़ायें और आगे भी बढ़ाएं । इस तरह के अधिकार आप राज्य सरकारो को देंगे तो व्यक्तिगत स्वतन्त्रता, शहरी आजादिया नाम की कोई चीज नही रह जाएगी । मेरी प्रार्थना है कि मेरे इन सारे सुझावों पर आप विचार करे । उत्तर देने की जल्दी न करे । जल्दबाजी की कोई बात नही है । अभी इसको एडजर्न कर दें । रात में खूब सोचे समझे । बड़ी सोच समझ वाले ये मन्त्री हैं । इसलिए मेरी बातों पर गोर करे अच्छी तरह और कल सुबह ताजा दिमाग लेकर, नई दृष्टि लेकर आएं सदन मे, ऐसा करेंगे तो मेरा ख्याल है कि कोई रास्ता बीच का निकल आएगा ।

श्री रामावतार शास्त्री : धारा 144 का अपना ही इतिहास रहा है । जब तक पूजीवादी व्यवस्था रहगी इसका वही हाल रहेगा जो अब तक रहा है । मजदूर आन्दोलन, किसान आन्दोलन आदि के खिलाफ आम तौर से इसका इस्तेमाल किया गया है और किया जाएगा । इस धारा को इस वास्ते मैं बहुत खतरनाक समझता हूं । जहा कही मजदूरों का आन्दोलन होता है झट इस धारा को लागू कर दिया जाता है और पुलिस को भेज कर वहां जो जाते हैं, उनको गिरफ्तार कर लिया जाता है और जेल में डाल दिया जाता है । मैं ताजा मिसाल आपको देता हूं । 31 मार्च को दानापुर मे थोड़ी सी रोड़ेबाजी हो गई । रेल मंत्री वहां गए हुए थे । लेकिन उसका निशाना आपने तमाम उस शहर के बाशिन्दों को बनाया और दो महीने तक 144 धारा लागू कर के मजदूरों पर, आम नागरिकों पर सभा करने की पाबन्दी लगा दी । जो दोषी थे वे तो आज भी घूम रहे हैं लेकिन जिन्होंने रोड़ेबाजी में कोई हिस्सा नही लिया उनके ऊपर मुकदमे चल रहे हैं । इस धारा का बेजा इस्तेमाल करके मजदूरों को दबाया जाता हैं ।

1970 में ही बही दानापुर में कैरेज एंड वैगन डिपार्टमेंट के मजदूरो ने एक आन्दोलन चलाया । वहां भी यही धारा लागू कर दी गई । कोई गड़बड़ी नही हुई। शान्ति के साथ आन्दोलन चल रहा था । फिर भी उनके नेताओं को पकड़ कर जेल में आपने डाल दिया । मेरे साथ भी ऐसा ही किया गया । 1971 में हम लोगों ने जमींदारों के पास जो बहुत जमीन है उस पर बेजमीनवालों द्वारा कब्जा करवा कर उसमें ज्यादा अनाज पैदा करने का प्रयास किया । भूमि मुक्ति आन्दोलन हमने चलाया जिसको विरोधियो ने लैंड ग्रैब आन्दोलन का नाम दिया । तमाम देश में, बिहार में, उत्तर प्रदेश में यह आन्दोलन चला । इस दफा का तब भी इस्तेमाल किसानों के आन्दोलन को दबाने के लिए किया गया । श्री लिमये ने ठीक ही कहा है कि अगर कहीं कोई साम्प्रदायिक दंगे का खतरा हो तो वहा इन तमाम दलों के लोगो को तुरन्त बुला कर के उनके राय विचार मे जरूरत पड़े तो इसका उपयोग कर सकते हैं । लेकिन अभी तक इसका इतिहास यह रहा है कि जन आन्दोलनों, नौजवानो के आन्दोलनो विद्यार्थियों के आन्दोलनों और किसान मजदुरो के आन्दोलनो को दबाने के लिए ही इसका इस्तेमाल किया गया है। अब भी उनके दिमाग में यही बात है । इसलिए इस तरह की धारा नही होनी चाहिये ।

MR. CHAIRMAN: The Minister of Parliamentary Affairs is to make some announcement.

SHRI K. RAGHU RAMAIAH: After talking to our friends and the hon. Speaker inside his chamber, I am in a happy position to state that after this clause, we shall adjourn..... (*Interruptions*). We can adjourn now. But kindly listen to me. I have not yet completed. We shall sit on Satur-

[Shri K Raghu Ramaiah]

day and pass this Bill and, also, there is a small Government Bill, the Coking and Non-Coking Coal Mines (Nationalisation) Amendment Bill already passed by the Rajya Sabha. I think, you agreed to pass that Bill also. So, we finish these two Bills on Saturady

MR CHAIRMAN Is it the agreement of the House? There will be no Calling Attention and no question Hour on Saturday So, these two Bills will be finished

SHRI SHYAMNANDAN MISHRA (Begusarai) On Saturday, there can be a Calling Attention

MR CHAIRMAN I think, the Speaker will not accept any Calling Attention on that day

SHRI DINESH JOARDER So, I am on my legs

MR CHAIRMAN· We stop here, at clause 144.

Mr Dinesh Joarder has finished, Mr Madhu Limaye has finished, Mr. Ram Avtar Shastri has finished Now, Mr. Vajpayee. Those who want to speak afterwards can speak.

Mr Vajpayee, you can just begin.

श्री अटल बिहारी वाजपेयी अध्यक्ष महोदय. .

MR CHAIRMAN. So, Mr Vajpayee is on his legs.

Now, before we adjourn, I take it that these two Bills will be finished on Saturday That is the opinion of the House That is clear

SHRI SHYAMNANDAN MISHRA We cannot say that We will see

MR CHAIRMAN This Bill will be finished The other Bill ...

SHRI SHYAMNANDAN MISHRA We will see

MR CHAIRMAN Now, we adjourn to meet again tomorrow at 11 A M

18 28 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Friday August 31, 1973/Bhadra 9, 1895 (Saka)

MGIPND—PMR—1791 L S —2718—17-12-73—